DOCUMENT RESUME

ED 121 679 SO 009 058

AUTHOR Herbert, Phil James, Comp.
TITLE Systems of Justice Curriculum.
INSTITUTION Granite School District, Salt Lake City, Utah.
SPONS AGENCY Utah State Law Enforcement Planning Agency, Salt Lake City.
PUB DATE 73
NOTE 220p.; Some tables may not reproduce clearly due to small type size

EDRS PRICE MF-$0.83 HC-$11.37 Plus Postage
DESCRIPTORS Behavioral Objectives; *Civil Liberties; Classroom Materials; Court Role; Curriculum Guides; Instructional Materials; *Justice; *Law Instruction; *Laws; Learning Activities; Legal Problems; *Legal Responsibility; Police; Role Playing; Secondary Education; Senior High Schools; Simulation; Social Studies Units; Teaching Procedures; Teaching Techniques
IDENTIFIERS Utah

ABSTRACT

The high school curriculum guide on law consists of an outline of the American legal system. A major objective is to provide students with legal knowledge in order to better understand the reasons for keeping the law. Both the public and individual's responsibilities toward law enforcement are dealt with. The guide is divided into five units. Unit I, on human rights focuses on the evolvement of rights, necessity of law, and law in Utah. Unit II, on crime and criminals, emphasizes the extent and definitions of crime, causes of crime, and society and crime. Unit III, on law enforcement, discusses the image of law enforcement, peace officers, public responsibility, and agencies and duties of law officers. Unit IV, on the court system, stresses court structure and issues and individual rights. Unit V, on the penal system, deals with the goals of prisons and punishment. Each unit contains a summary of teaching procedures, an explanation of those procedures, and a listing of related materials such as analytical questions to be asked by the teacher and fact sheets on specific aspects of the unit. Suggested activities involve students in discussion, debate, role playing, and simulation. Although the guide is designed to be used in Utah's Granite School District and contains information pertaining to that state's laws, much information is included on United States laws, making the guide useful to schools in other states. Tables relating to Utah's juvenile court system and Utah State Prison statistics conclude the guide. (Author/DB)

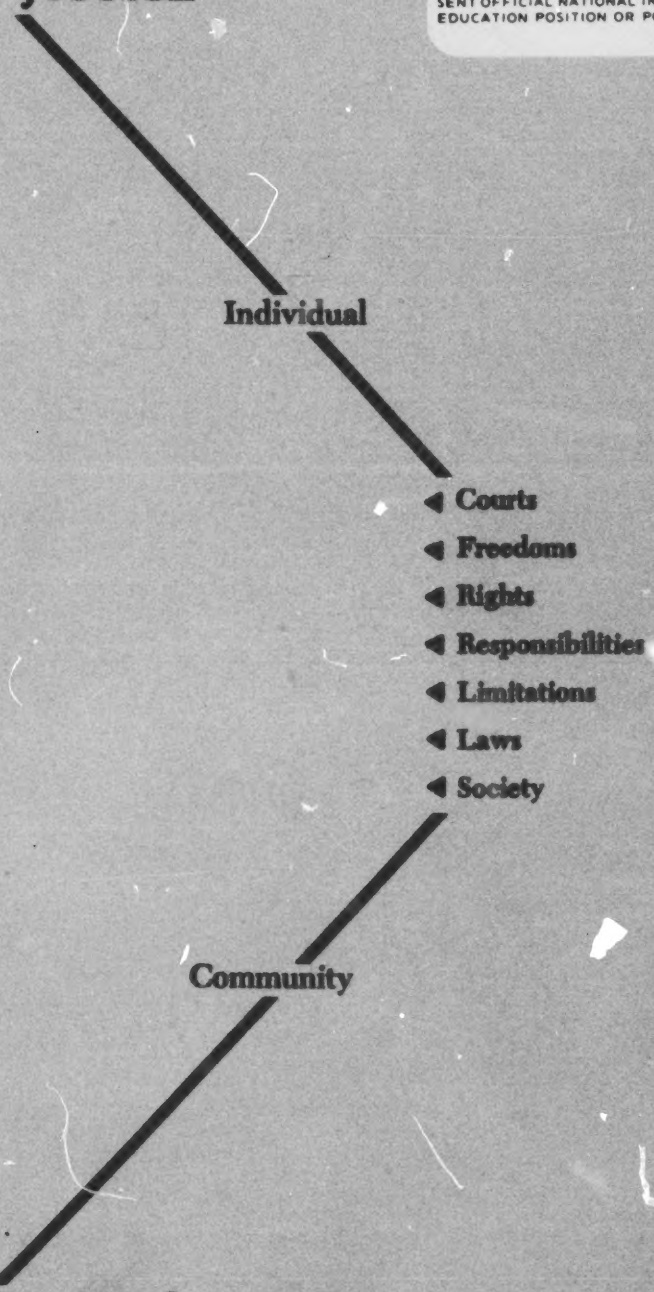
Documents acquired by ERIC include many informal unpublished materials not available from other sources. ERIC makes every effort to obtain the best copy available. Nevertheless, items of marginal reproducibility are often encountered and this affects the quality of the microfiche and hardcopy reproductions ERIC makes available via the ERIC Document Reproduction Service (EDRS). EDRS is not responsible for the quality of the original document. Reproductions supplied by EDRS are the best that can be made from the original.

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

ED121679

SYSTEMS OF JUSTICE



A High School Curriculum

SP 009 057

APR 2 0 1978

SYSTEMS OF JUSTICE CURRICULUM

Compiled by
Phil James Herbert
Project Director

Law Enforcement Agency
and
Granite School District
Salt Lake City, Utah
Printed in U.S.A.
1973

Systems of Justice Curriculum

Project Director: Phil James Herbert
2942 East 2965 South
Salt Lake City, Utah 84109

Writers: Robert Jones, Byron Lund, Terry Ward, and Jon Westover

Funding Agencies: Utah Law Enforcement Planning Agency

Granite School District

Special Mention: Ralf Riches, Joe Hansen, Moroni Jensen, Carma Bells, Shirley Harwood, Gary Parke, Gene A. Roberts, John Bywater, Raymond Jackson, William "Bill" Peters, and Jeffery Thurmond

Completion Date: June 15, 1973

INTRODUCTION

This curriculum was developed under a grant from the Utah Law Enforcement Planning Agency with the Utah Peace Officers Association providing the initial guidance and funding.

Through a suggestion from John Bywater, William "Bill" Peters, and Gary Parke, and with the support of the Utah Peace Officers Association, a small two week unit on "Law" was written and used at Cyprus High School. The success it had, caused the present curriculum to be written.

This curriculum has been written by Robert Jones, Byron Lund, Terry Ward and Jon Westover with Phil James Herbert as the director of the Project.

Gene A. Roberts and Jeffery Thurmond represented the Law Enforcement Planning Agency helping with the administration of the project.

Granite School District provided matching funds, kept financial records, and supported the writing of the curriculum. Ralf Riches provided the technical assistance to complete the project.

As a special note, the Utah Peace Officers provided the first hand knowledge necessary to write their curriculum by taking the authors with them as they performed their duties and by providing written materials to the writers. The writers also met with citizen groups to gather the material for this publication.

OBJECTIVES IN THIS CURRICULUM

The following is a list of the Instructional Objectives in this curriculum. Students being taught the whole curriculum should pass a test fulfilling these expectations.

1. Students will demonstrate their knowledge of the evolution of peoples' rights by listing two rights which have changed in the past 100 years and by writing a paragraph about each explaining the forces and events causing the evolution.
2. Students will write a paragraph comparing the right of freedom of speech in the United States with the right of free speech.
3. Students will write a paper explaining how law protects human rights, limits human rights, and changes to meet evolving human rights.
4. The student will demonstrate in writing and discussion his knowledge of nine laws.
5. Students will be able to write the process of creating laws through legislation.
6. By using the newspaper and the appendix students will be able to identify high crime areas by placing pins in a map indicating the type of crime and its frequency.
7. Students will be able to list three crimes against persons and six crimes against property and plot the frequency of the nine crimes by year for the past four years on a time graph.
8. Students will list in essay form ten causes of crime and briefly explain how each contributes to criminal behavior.
9. The student will list five approaches that would help reduce crime, and justify each based upon conditions of society and individual personality of the potential crimal.
10. The student shall list six reasons contributing to the public's image of peace officers and discuss the part past experiences or vicarious experiences play in producing an image of the police.
11. Through discussion, role playing, and debate, the student will give evidence that he understands the difficulties facing the policeman.
12. Through a teacher led discussion the students will make a list of positive public responsibilities towards law enforcement officers in serving the public's best interest.
13. The students will write a brief essay describing the general problems faced by the courts today and suggested solutions to some of these problems.
14. The student will list three court decisions that protect individual rights.
15. The student shall write the date of creation of the juvenile court, its purpose, its differences from the adult court, the jurisdiction boundaries of the five areas and the personnel who staff the juvenile courts in Utah, not by name but by title.
16. The student will study and discuss six types of punishment and write a one page essay either supporting or condemning capital punishment and will formulate a plan for prison reform.

Systems of Justice Curriculum

UNIT I

HUMAN RIGHTS

Section A. Evolvement of Rights

- Part 1. Changing Rights
- Part 2. Comparative Rights
- Part 3. U. S. Rights

Section B. Protection of Rights or Necessity of Law

- Part 1. Society's Need for Law
- Part 2. Laws May Limit Rights
- Part 3. Changing Society Brings Changed Law

Section C. Law in Utah (Teen and Law)

- Part 1. Citizen's Need to Know Law
- Part 2. Some Laws Aren't Enforced

Section D. Enrichment

- Law Making Simulation

Unit I

HUMAN RIGHTS

EVOLVEMENT OF RIGHTS

(Section A - Part 1.)

OBJECTIVE: Students will demonstrate their knowledge of the evolution of peoples' rights by listing two rights which have changed in the past 100 years and by writing a paragraph about each right explaining the forces and events which caused the evolution.

Students will write a paragraph comparing the right of freedom of speech in the United States with the right of free speech in the stories on pages

PART 1. The rights of people evolve.

PART 2. The rights of people vary depending on the community where they live.

PART 3. The rights existing in the United States today have undergone an evolutionary process. Some rights were not in existence 200 years ago.

SUMMARY OF TEACHING PROCEDURES

(Section A)

The rights of people evolve.

METHOD A: Lecture and Overlay Presentation

Prepare a lecture using overlays to point out the progress made in the area of voting and civil rights.

MATERIALS NEEDED

1. Related materials A & C, pages 4, 6 (Readings on civil rights and voting.)
2. Overlays prepared from related materials B & D on pages 5, 7.

METHOD B: Reading and Discussion

Hand out the stories on voting and civil rights.

Have the students read them in preparation for a class discussion.

Point out the progress toward more rights.

1. Related materials A & C, pages 4, 6.
2. Related materials E page 7.

METHOD C: Special Assignment

Choose two capable students to prepare a presentation about voting and civil rights.

Ask for volunteers to report on the court cases connected with the civil rights issue. (See page "Special Assignment.")

a. Murder of Slaves
b. Dred Scott
c. Plessy vs. Ferguson
d. Brown vs. Board of Education
e. 1957 Civil Rights Act
f. 1964 Civil Rights Act
g. 1966 Civil Rights Act
h. 1968 Open Housing Act

1. Related materials A & C, pages 4, 6.

EXPLANATION OF PROCEDURES

The rights of people evolve.

METHOD A: Lecture and Overlay Presentation

The teacher may use the readings as a basis for his lecture. It is possible to add more detail than the stories contain. Pictures could be collected to illustrate the lecture. Develop an overlay showing the rights which evolved and the laws that made the evolution possible.

A quiz should be given at the end of the presentation to measure how well the students accomplished the objective on the unit page. The two paragraphs should be part of the quiz.

METHOD B: Reading and Discussion

Hand out copies of the readings on voting and civil rights. Ask class to note on paper the progress of specific rights. After the students have finished reading the stories and writing the specific progress of rights, discuss rights and their evolution and expansion.

Other questions could be asked to expand the discussion. Have rights increased in all cases for all people in the United States? Are there times when it seems that rights have decreased? (Refer to page 7, "People and Rights.")

METHOD C. Special Assignment

Assign two capable students to prepare a presentation based on the related material, pages 4 - 7. Their presentation should cover not only the related material but also additional material. Select the students early so they can do their outside research.

Related Materials A

NEGRO CIVIL RIGHTS

In 1619 the first negroes were brought to the English Colonies as indentured servants. As an indentured servant, the negro could obtain his freedom after having completed so many years labor for his master. However, in 1661 Virginia made the negro a slave for life. Eventually, all states having slaves followed Virginia's example.

Other laws were passed to control the life of the negro slave. In 1669, laws were passed stating a master could not be accused of murdering a slave. In the 1700's, areas of the South passed laws against the negro being on the streets at night. He was forbidden to leave the plantation without a pass.

In 1857 the Supreme Court in the Dred Scott decision said the negro was the property of his owner and was not intended to be a citizen under the

constitution.

After the fighting of the Civil War, the 13th Amendment was passed to abolish slavery; the 14th Amendment made the negro a citizen of his state and nation; the 15th Amendment gave him the right to vote.

Jim Crowism (the segregation of the races) became prominent and was legalized when the Supreme Court ruled in Plessy vs. Ferguson in 1896. This decision said separate but equal facilities were legal. The result was that facilities were separate but seldom were they equal.

Between 1896 and 1915, negroes lost their right to vote in all Southern states. In Louisiana, for example, there were 130,334 registered black voters in 1896; eight years later there were only 1,342. Several devises were used to keep the negroes from the polls: property qualifications, literacy qualifications, and poll taxes.

Between the years 1889 and 1932, 3,745 people were lynched; 791 whites and 2,954 negroes. In 1932, 21 were lynched; 20 negroes and one white. There was grave doubt as to the guilt of 13 of these individuals.

The tide of public conscience began slowly to turn and to recognize the position of the negro in the U. S. society. At first the change was slow. In 1947 President Truman ordered the integration of all armed forces. In 1954 the Supreme Court ruled in Brown vs. Board of Education that "separate but equal" facilities in education were unconstitutional. In 1955 the Court ordered the full integration of the nation's schools. In 1957 a Civil Rights Act was passed in which the right of negroes to register and vote was to be guaranteed.

The Civil Rights Act of 1964 prohibited racial discrimination in all public accommodations. (Jim Crowism was declared illegal and unconstitutional.)

The Economic Opportunity Act of 1964 was passed to help poor people. This act was for all people, but specifically it helped many negroes because of the large percentage of poverty among their race.

In 1966 the poll tax was declared unconstitutional. The Civil Rights Act of 1964 outlawed racial discrimination by employers employing 25 or more workers.

The Open Housing Act of 1968 prohibited racial discrimination in sale or rental of about 80% of all the nations housing.

In 1970 the courts used bussing of students to achieve a more equitable racial balance in the public schools.

Related Materials B

NEGRO CIVIL RIGHTS

1. 1619 - First negroes brought to the colonies as indentured servants.

2. 1661 - Virginia made Negro slave for life. Eventually all other colonies followed Virginia's lead.

3. 1669 - Laws passed stating that a master could not be accused of murdering a slave.

4. 1857 - Dred Scott Decision declared the negro was the property of his master.

5. 1865 - Thirteenth Amendment abolished slavery.

6. 1868 - Fourteenth Amendment made the negro a citizen of his state and nation.

7. 1870 - Fifteenth Amendment gave the negro the right to vote.

8. 1896 - Plessy vs. Ferguson court case declared separate but "equal" facilities were constitutional.

9. 1947 - Armed forces were integrated.

10. 1954 - Supreme Court declared "separate but equal" facilities were unconstitutional.

11. 1957 - Civil Rights Act passed to guarantee right to register and vote.

12. 1964 - Civil Rights Act prohibited discrimination in all public accommodations and hiring practices.

13. 1966 - The poll tax declared unconstitutional.

14. 1968 - Open Housing Act prohibited discrimination in the sale or rental of housing.

15. 1970 - Bussing to achieve racial balance and quality education in all public schools.

Related Materials C

THE RIGHT TO VOTE

The right to vote was a limited right during the early period of our nation. Even the phrase "all men are created equal" did not give the people the right to vote. Only the white man with the prescribed amount of property was allowed to vote. All others, women, poor white males, craftsmen without property and non-white males were not given this right.

In 1803, when Ohio joined the Union, its constitution enfranchised all white men.

Many people in Massachusetts opposed this change in their state constitution. They believed the people without property would pass laws depriving the rich of some of their wealth.

Rhode Island imposed property qualifications so high that more than half of the adult men in the state were unable to vote.

The vote was eventually extended to most men by 1843.

By 1914, eleven Western states allowed women to vote. This right was not enjoyed nationally until 1920 when the Nineteenth Amendment was passed.

The Negro was given the right to vote with the passing of the Fifteenth Amendment in 1870. For a few years the Negro of the South did enjoy this right. But by the early part of the 1900's the Negro was almost completely disenfranchised. This was brought about by passing laws which made it difficult for the Negro to register to vote.

During the 1950's and 1960's laws were passed to again provide the opportunity to the Negro to register and vote. In some cities and counties there are now more registered Negro voters than white.

In 1971 the right to vote was extended to the 18 year old with the passing of the Twenty-Sixth Amendment.

Related Materials D

THE RIGHT TO VOTE

1.	Colonial Times	Only white, male, property owners could vote.
2.	1803	Ohio allowed all white men to vote.
3.	1843	Most white men in all states could vote.
4.	1870	Negroes given the right to vote.
5.	Early 1900's	Almost all Negroes lost right to vote.
6.	1920	Women given the right to vote.
7.	1950's & 1960's	Laws were passed to again give the Negro the right to vote.
8.	1971	The 18 year old was given the right to vote.

Related Materials E

PEOPLE AND RIGHTS

Some people believe, and maybe rightfully so, that in some areas our rights seem to be restricted rather than enlarged. An example is that years ago when the land was less populated (1800's) man could come and go as he pleased. Most land was not controlled by the state or individuals. There were few if any "No Trespassing" signs.

The student should be taught that growth of population will bring with it changes in controls. In many cases as the population increases, freedoms change. We develop laws that guarantee the rights of the group, which in turn sacrifice the rights of the individual.

Another point is that industry is now controlled more than it was 30 years ago in the minimum wages industry pays and who may be hired. In other instances it cannot change what it wants without government approval.

This point should be explained as it relates to what happens when individuals and groups do not act with responsibility.

A favorite topic could be the relationship of students' rights today in schools in comparison to the rights of their parents when their parents were in school.

SUMMARY OF TEACHING PROCEDURES

(Section A - Part 2.)

The rights of people vary depending on the community where they live.

METHOD A: Reading & Discussion

Have students read the articles about Russia and Greece.

Ask students to read the rights denied the individuals in the stories.

Discuss whether or not these rights are guaranteed in the United States.

MATERIALS NEEDED

1. Related materials F & G, pages 9 & 10. (Readings on Russia and Greece.)

EXPLANATION OF PROCEDURE

The rights of people vary depending on the community in which they live.

METHOD A: Reading and Discussion

Hand out the readings on Russia and Greece (pages 9,10). List the rights the students feel are being denied the individuals in the stories. After the two stories have been discussed, ask the students if they know of other examples of nations where certain rights are not available. Add these additions to the list.

After the list is completed, ask the students if these rights are available and guaranteed in the United States.

Related Materials F

RUSSIA SILENT UNDERGROUND

Victor was a student at Leningrad. At one time he was a firm believer in Communism. He has now lost that firm belief in Communism.

In 1966 Sinavsky and Daniel, both Russian writers, were convicted in Moscow of dissending "slanderous inventions defamatory to the Soviet political and social system ... with the purpose of subverting or weakening the Soviet regime." They were sentenced to labor colonies for five to seven years. These two men were convicted for ideas that Soviet officials deemed 'anti Soviet'.

Victor and his friends were not allowed to attend the trial. Nobody but handpicked individuals were admitted to the trial. Victor was later able to read the transcript of the trial which was smuggled from the court.

Victor and his friends were outraged. The facts were distorted in order to convict the two men.

This outrage prompted Victor to draft a protest letter which he sent to Leonid Brezhnev, General Secretary of the Communist Party, and Aleksein Kosygin, the Premier.

Victor later commented on his protest, "don't ask me why I did it. I'm not going to give you a speech about my martyrdom. Certain things are right, certain things are too damn wrong."

The protest was more of an appeal, stating that the trial was more harmful to the nation than to the two men themselves. Victor believed that the Soviet leaders could be persuaded to right a wrong.

The official Soviet reaction was immediate. A professor, the only one allowed to testify favorable for the two writers, was released from his teaching position.

The release of the professor caused many students to demonstrate against this action. A meeting was called to discuss the situation. At the meeting the Soviet constitution was mentioned. ("The citizens of U.S.S.R. are guaranteed freedom of speech ... by law.") Victor challenged the government to reopen the trial and make it public. The meeting ended in relative calm but the government official in attendance was clearly upset.

One morning later on a man appeared at Victor's office and told him the secret police wanted to "talk" to him.

When Victor arrived at the massive KGB building, he was taken to the office of a KGB official.

The following is the dialogue between Victor and the KGB official:

"Sit down," he said quietly, "I don't think we should waste time. Your buffoonery has gone far enough. Let's say it has stopped as of <u>now</u>."

The interview lasted less than an hour. The man at the desk, a KGB major, never raised his voice. At one point he offered Victor a cigarette. He behaved civilly, with a cool assurance that he had total power over Victor.

"To be brief. We know everything about your subversive activities. Everything. Let me say, frankly, I feel traitors like you should be dealt with so they can never to traitorous to the Soviet state again. In your case, however, your record in the village and as a student"--he tapped the dossier--" has saved you from immediate punishment. But I needn't tell you, your every move is known to us. One small, single wrong step, one more conversation about Sinyavsky or Daniel or any of their lot, and you'll be an old man when you see Moscow again."

"You're bluffing," said Victor. "Badly, I've done nothing wrong."

"I'd hoped we wouldn't have to waste time. You not only signed this letter," he held up a copy of the protest,--"you drafted it. In your room, with your girlfriend, Tamara Okhonina, and others. You were, in other words, the founder of this little anti-Soviet cell."

"There was no cell, nothing anti-Soviet. There was nothing in the slightest bit illegal. I sent a letter to the head of the Party and government. Not even the Sinavsky court could convict me of anything on the basis of that. What I've done is perfectly legal in every way, and the time has come for people like you to understand that there are other people in this country who aren't afraid."

"You are playing the fool again," the KGB officer said, "If it is necessary for us to produce evidence that you have done something illegal, the evidence will be produced. It need not concern this particular matter; it can be currency speculation, violation of passport rules--leave it to us. But surely don't need to have this explanation."

One can live without buying clothes on the black market and bribing an occasional official to be placed near the head of some line--but it would be a dismal existence. Most of the small luxuries of Soviet life are obtained by doing something not quite legal, and Victor, who is hardly a Puritan, participates in this activity as a matter of course. There is nothing more to be argued. Victor knew he was beaten.

Victor's career as a political activist ended that evening. He has not abandoned his ideals, but moved from "active" to "underground" protest. These words are in quotes because they mean something quite different in the Soviet context than in the Western one. For most Moscow intellectuals, Victor among them, being in the "underground" means simply reading prohibited books, or listening to Western short-wave broadcasts on the Voice of America, until jamming was resumed during the Czech crisis, and discussing political and intellectual developments with friends. In other words, it does not mean plots against the government; it is the mind that is underground. One can talk, but not write; think, but not act.

Related Materials G

GREECE: 1972

I didn't believe it. The reports of torture filtering out of Greece for two years ... were so grotesque as to seem unreal. It took a trip inside Greece to change my mind.

In Athens, businessmen, priests, army officers, lawyers, housewives, and students persuaded me. A succession of former political prisoners described every ordeal in detail and let me see, and touch, and feel the scars. Now I am convinced.

Torture has taken place at Greece on victims who number into the thousands. Under a frightened, unpopular military regime, torture goes on today.

Pericles Korovessis, a 28-year old Athens actor, told me he didn't believe the stories either, until Asphalia, the Greek security police, put him through what it likes to call "the machine of truth."

One Monday morning at 3:00 a.m., five armed plain clothesmen burst into his apartment. Odyssef Spanos, the leader, told the others what to look for: "Every thick book is a Communist book."

The police seized ten folk-song tapes, a BBC English lesson, a typewriter, and the classics of Aristotle, Sophocles, and Aeschylus. They took their evidence and Pericles Korovessis in an unmarked black sedan down to the big Asphalia headquarters in Bouboulinas Street.

Korovessis was hustled upstairs to a small office.

Spanos told him, "I've wanted to know everything you've done."

"It's a horrible mistake," explained Korovessis. "I'll be released in the morning."

Spanos hit him in the mouth, drawing blood. "If you dirty my shirt," warned Spanos, "you'll pay for it."

They took Korovessis up to the small room on the roof terrace where interrogation takes place. In the middle was a wooden bench, its top polished by use.

They tied him down on it. One man held his chest. Another picked up a shovel handle. He began pounding Korovessis on the soles of his dangling feet....

"Do you like this?" the former torturer asked. "This is just a sample."

Korovessis spent six tormented months with the Asphalia police. Then he was released. "He had been charged with nothing, convicted of nothing," Wren reports.

SUMMARY OF TEACHING PROCEDURES

(Section A - Part 3.)

The rights existing in the United States today have undergone an evolutionary process. Some rights were not in existence 200 years ago.

METHOD A: Teacher-Led Discussion

The teacher should ask students what are some rights that we have as human beings (inalienable rights) and also rights that we have as citizens of the United States.

Then you should show an overlay of a partial list of rights and ask students which of these rights the American people did not have 200 years ago.

You could then have students write a 300-500 page essay in response to the following question: "Is there a place in the world today where there are more rights than there are in the United States?"

Go down the list of rights one by one and ask the class about countries where some of these rights are not enjoyed.

MATERIALS NEEDED

1. Related Materials H, page 13 listing of some of the rights that Americans have.

EXPLANATION OF PROCEDURES

Many rights existing in the United States today have undergone an evolutionary process. Some rights were not in existence 200 years ago.

METHOD A: Teacher-Led Discussion

The major purpose of this concept is to help students realize that Americans have had many rights added to their basic rights over the last 200-250 years. You should begin the discussion by asking what is a right. Answers should approximate the idea that rights are those things for which we feel we have a just claim as a human being. Reference could be made to the Declaration of Independence and its "inalienable rights" and also the United States Constitution's Bill of Rights for items that might be considered rights. Your next question would be to ask students for as many rights as they can think of that they have as citizens of the United States.

Then, either from a list developed by the students or from Related Materials H on page 13, have the class view a large list of rights that we have today. You should caution them that this list is not a complete list but a

sampling. The list should be on the chalkboard or as an overlay on the overhead projector. (See Related Materials H, page 13). As they scan the list, you should ask the class what rights on the list did not exist 200 years ago. If you need a definition of the terms, some of the more difficult terms are defined in most social studies texts.

As a summing up assignment, you can ask the students to do an assignment in response to the following question:

"Is there a place in the world today where there are more rights than there are in the United States?"

You could also use this question to sum up your discussion. Another way to sum up your activities is by going down the list one at a time and asking students to suggest countries where some of these rights are not enjoyed.

Related Materials H

RIGHTS POSSESSED BY UNITED STATES CITIZENS

Bill of Attainder

Cruel and Unusual Punishment

Double Jeopardy

Due Process of Law

Equal Protection of the Law

Equal Rights

Ex Post Facto Law

Freedom of Assembly

Freedom of Association

Freedom of the Press

Freedom of Religion

Freedom of Speech

Habeas Corpus

Involuntary Servitude

Libel and Slander

Petition

Political Rights

Procedural Rights

Quartering of Soldiers

Right to Bear Arms

Right to Counsel

Search and Seizure

Sedition

Segregation

Self-Incrimination

Treason (Being strictly defined as a protection for U.S. citizens.)

Free Public Education

Equal Employment Opportunity

Voting

Privacy

Travel

Etc. (Can you list more?)

Note: The above list is not intended to include all rights enjoyed by U. S. citizens but is merely a sampling.

Unit I

HUMAN RIGHTS

LAW EXISTS FOR THE PROTECTION OF HUMAN RIGHTS

(Section B - Part 2.)

OBJECTIVE: Students will demonstrate how law protects human rights by completing the activities in Section B.

Part 1: Society cannot exist without order and laws. The system of anarchy results in less protection and safety for the individual.

Part 2: Laws can be seen as limiting rights as well as protecting rights. In order to have laws and have a society, certain people must have authority.

Part 3: As a society changes from a simple, rural society to a complex, urban, industrial society, the laws grow in quantity and complexity.

SUMMARY OF TEACHING PROCEDURES

(Section B - Part 2.)

		MATERIALS NEEDED:
METHOD A:	Intersection Without Laws	
	Show students the unregulated intersection and ask the questions listed in the explanation on page	1. Sketch of intersection of Related Materials A, page 18.
METHOD B:	Delta, Alpha, Varga, Beta Exercise	
	Pass out sheets to volunteers two days before the exercise. Encourage them to elaborate within the description of their group. Student innovation in presentation should be encouraged.	1. Hand out sheets for student volunteers. (See Related Materials B, page 18.
		2. Flags to act as symbols for students to choose.
	Let either volunteers or the helpers design flags to be associated with specific groups.	3. Secret ballots with flag symbols above each group.
	After the student presentations, ask the questions which are detailed in the Explanation of Procedure section, page	
METHOD C:	Or Alternate to Method C	
	You can duplicate a class set of the four descriptions to be found in the appendix and let the class vote after they have read the description individually. This is faster but does not carry the impact of Method B.	1. Same as in Method B.
		2. See Related Materials C, page 26 for quotations pertaining to law that can be used in this unit or as an on-going activity for the entire course.

EXPLANATION OF PROCEDURES

Society cannot exist without laws and order. The system of anarchy results in less protection and safety for the individual.

METHOD A: Either with an overlay (see Related Materials A, page 18), or on the chalkboard, show the basic intersection to the class. Ask them if they would like to live where there would be no laws to regulate the flow through the intersection. Also, what specifically will happen at this intersection if as many cars attempt to pass through it as go through our big city intersections.

Draw out as many questions as possible that help students to realize the above concept. Here are a few sample questions:

1. What will happen at intersection if traffic flow is heavy?

2. What will happen to children with no stop signs or speed limits?

3. What is this exercise trying to illustrate?

4. Would you like to live in a country where, not just traffic, but all of society totally lacks laws and rules? What would happen?

5. What will happen to more and more of the younger school children?

6. For whose benefit are traffic laws?

You can see what would happen at an intersection, now tell what would happen in the following situation:

1. A supermarket where there are no laws against stealing and no law enforcement officials to protect the owner.

2. An automobile accident where those innocently involved try to collect damages from those at fault.

3. A school without any rules.

4. Any big city at night.

A last thing to point out is that without law, there would be no signs, and there would be no roads without the force of law to insure the collection of taxes. You may add many others as you teach this part.

METHOD B: This exercise can be used instead of, or along with, the above exercise in helping students to realize why laws are necessary. Your first step as a teacher should be to assign four students to give a presentation about one of the four groups to be found in the Method B, page 15. Let the students draw lots to determine which group they will present to the rest of the class. These students should be given the information (see Related Materials B, pages 18-20, a few days before, in order to effectively prepare their presentations. They should be encouraged to use the handout only as a broad outline of their presentation. Another helpful hint is to have each student develop a symbol of his group on a flag or poster. This tends to make the exercise more realistic and concrete to the rest of the class. The student presentor's job is to get as many students to join his group as possible. The ballots should be handed out just before the presentation in order for the students to think more about their choices and to be able to keep straight which group is which. The ballot should have the symbol of each group on it. The student leader who wins the most support for his position could be given extra credit as an added incentive. Although you may hope that the students choose the democratic group, do not guide the discussion that way; in fact, do not let the presentors know what group they are actually describing. Your objective may even be more effectively accomplished if they do not choose the democratic group, for then you can help show them how their decision may have been incomplete. Once again, the class should give four good reasons telling why they prefer the group for which they voted.

The class could approach this assignment as if they were a constitutional convention drawing up a new form of government and were just listening to spokesmen who wanted them to adopt a certain form of government. Have the students list what rights and protections they want in their government.

After the presentations and voting, the teacher should lead a discussion analyzing the four groups. The students, including the presentors, should not be told beforehand that these four groups depict anarchy, vigilante rule, dictatorship, and democracy (although, hopefully, many will realize this on their own).

Here are specific questions to ask the class to aid in analyzing each specific group. Select those questions which you feel would aid in the class analyzing their choices. The questions should be posed to the class <u>after</u> they have voted and made their decision on their preferred society.

Method B and C Analysis Questions

(To be used by teacher after the class has voted.)

Some factors to consider in analyzing these groups could go as follows:

I. <u>ALPHA GROUP</u> (Anarchy)

1. What does this group provide for if one individual does not respect the rights of another?
2. Can this group really provide order when it does not believe in rules?
3. Will personal liberties be protected?
4. What would a school or a community be like without rules? Would it really be a pleasant place to live?

II. <u>VARGA GROUP</u> (Vigilante)

1. Do students really want to live in a group where a few people get together to decide if someone has broken a rule and should be punished?
2. There are no procedures to protect those who may be wrongfully accused.
3. Who decides what the rules will be? Will it be ex-postfacto in nature?
4. Are minority people who disagree with the majority protected?

III. <u>BETA GROUP</u> (Democratic)

1. Who decides what the rules will be in this group?
2. Is it REALISTIC?
3. Will the leader of the group be able to gravitate more power to himself and thus dominate the group.

IV. DELTA GROUP (Dictatorship - Communistic)

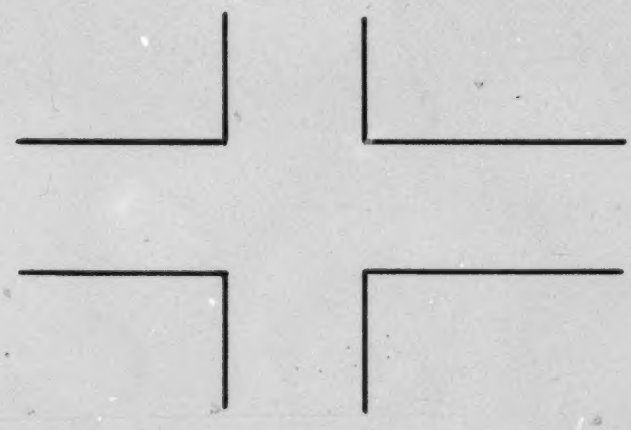
1. What protections do you have from the group leader being a tyrant?
2. Does this group allow for individual freedom?
3. Who makes the rules in this group?
4. Should some people have more wealth in a society than others?

METHOD C (Alternate to Method B):

Duplicate a class set of the descriptions of the societies to be passed out to each student. Along with the hand out sheet, pass out a ballot sheet with which the student may vote for the group which they prefer the most, along with a space for reasons for their choice. The teacher should then go through the ballots with the class. After the election has been listed on the board, the class will be able to analyze their decision by use of the same questions used in analyzing the above more detailed exercise. Related Materials C, page 26 contain many quotations that refer to law. You can use them for this unit and just choose a few quotations that you prefer. Or you can give one quotation per day during your entire coverage of this curriculum. The main value to be derived from these quotations is in the discussion that is evoked from each one.

Related Materials A

Typical Intersection



Related Materials B

For Method B and C

(To be handed to the student presentors.)

Here is a basic description of your group. You can use this as your speech, or you can add it to be more effective to bring others of your classmates into your group.

ALPHA GROUP #1

I feel for several reasons that my group is best. For one thing, my group does not believe in rules. I feel that any type of governmental organization is immoral, and that rule of one person over another person is evil. My group puts the supreme emphasis upon individualism and the rule of one's own actions by one's self. Think how perfect life can be if all would join my group; no rules by which to be encumbered and no enforces of other officials with which to be bothered. Governments are what cause wars and other human misery and without government there will not be these miseries.

For Method B and C

(To be handed to student presentor.)

Here is a basic description of your group. You can use this as your speech, or you can add it to be more effective to bring your classmates into your group.

VARGA GROUP #2

My group is designed for those people who care about what is going on around them. If you do not want to be a decision-maker, then please do not join. There are a lot of problems existing in the world today and people are not doing anything about them. My group's main purpose is to decide what is wrong, who is causing the wrong, and then apprehend and punish those elements that are causing the wrong-doing. The punishment against those we decide to be the wrong-doers must be sure and swift. An advantage of this group is that those that care will be able to take a greater part in the decision-making process of our group. I think most of you that are concerned with the way things are going today will decide to join my group.

For Method B and C

(To be handed to student presentor)

Here is a basic description of your group. You can use this as your speech, or you can add it to it to be more effective in bringing others of your classmates into your group.

BETA GROUP #3

My group is a group that respects the individual rights of each person. But at the same time it recognizes that some individuals may infringe upon other individual's rights. Therefore, the entire group will vote on what rules are necessary to further the interests of the entire group and also to protect each individual. We, as a group, will get together and elect a chairman for our group who will serve a specified amount of time and then a new election will be held. The chairman's power will be limited and carefully defined. He

or she will remain to carry out the duties as specified by the rest of the group. I wish for you to join my group because I honestly feel that it offers each individual more freedom and protection; at the same time it gives each individual a say-so in what the necessary rules will be because there will not be any rules in the group which were not voted on by a majority of the group.

For Method B and C

(To be handed to student presentors)

Here is a basic description of your group. You can use this as your speech, or you can add it to be more effective in bringing others of your classmates into your group.

DELTA GROUP #4

In my group you will not have to be concerned with the mundane affairs of governing. I will take care of these things for you, and you can be concerned with the greater experience of being a human being concerned with caring for your family and getting a job. I will give you free non-commercialized television and you will definitely know the rules that I have set up for you. I feel that I will serve you best because my rule will be a rule whereby I rule for my best interest but this will naturally be for your best interest also. There will not be any snobs or rich people because we will take their holdings away and spread their wealth to all the people. Everyone will be the same in my society.

SUMMARY OF TEACHING PROCEDURES

(Section B - Part 2.)

METHOD A: Chalkboard and Group Discussion Exercise
(Review pages 21,22,23,24, Explanation of Procedure)

Choose from among the following those items you feel to be best for the purpose or else develop your own from among current controversies.

- No-Fault Insurance
- Demonstrators kept out of national political convention
- Anti-noise laws against motorcycles
- Golden Eagle National Park passes
- Curfew law for those under 18
- Rules for students to be quiet in assemblies
- Social Security
- Pep Club practicing at 6:00 a.m.
- Panel Discussion by Chairmen
- Summing up questions (see Explanation of Procedures, page 22.)

METHOD B: Role-playing Skit of "The Lord of the Flies" Situation (Review pages 23-24)

- Participants should know the predetermined ending. Practice outside of class would be helpful.
- Go in the following order: 1. Jim, 2. Judy, 3. Al, and 4. Fred.
- Summing-up question. (See explanation.) Put emphasis on the decision that Judy made to give up part of her freedom in exchange for legal and collective protections.

EXPLANATION OF PROCEDURE

Achieving this concept will be basic to everything that follows in this unit. Students must see law as being a restraining force on certain activities, but more importantly they should see that laws permit us to exist with guarantees that our rights will not be infringed upon by others.

If students see that necessity for laws, it is only a short step for them to realize that enforcers of the law are also necessary and are really a

natural outgrowth of the creation of law. Some of what has been described in the concept and above, can be achieved by questioning the students along the inductive approach. While other portions of the concept can best be achieved through activities along the lines of those suggested below.

METHOD A: To help students see that laws limit certain peoples' rights, write the following items on the chalkboard. (Choose those which you believe would best illustrate the concept):

NO FAULT INSURANCE (Person's own insurance pays no matter who is at fault. People get lower rate, but is opposed by many lawyers and insurance companies.)

DEMONSTRATORS KEPT OUT OF NATIONAL POLITICAL CONVENTIONS (Demonstrators feel like they should get in as part of their freedom of speech, whereas delegates feel that pandemonium would develop in open convention.)

ANTI-NOISE LAWS AGAINST MOTORCYCLES (Owners like to feel and hear the power of their cycle, but other citizens do not appreciate the noise and support the anti-noise laws.)

GOLDEN EAGLE NATIONAL PARK PASSES (Many people like the improvements brought to national park areas, but others do not like having to pay to go into wilderness areas. They feel that fresh air and picnics should be free.)

CURFEW LAWS FOR THOSE UNDER 18 (Parents tend to like a curfew law whereas the young see it as an infringement upon their freedom.)

SOCIAL SECURITY (Many like the protection against unemployment and old age, whereas others feel the individual should plan for these things and not have the government force it upon them.)

PEP CLUB PRACTICING AT 6:00 A.M. IN SUMMER ON FOOTBALL FIELD (Girls want to practice early and have the rest of the day for other things, but area residents would like something done about the confounded drum and the blaring of the music.)

ZONING LAWS (A man owns land, and wants to build a home costing $16,000. But his future neighbors stop him because they have $40,000 homes and they protested to the zoning board.)

Now break the class down into four to six groups with chairmen, and have half of the groups describe how the items limit the freedom of specific people and to list any possible reasons why they are unjustified rules.

The other groups on the other side of the room should list all possible ways that these items can be seen as protecting and extending one's freedom, plus any possible justifications for their existence.

When both sets of groups have finished, bring the chairmen up into opposing panels and debate each item briefly. Do not let them get bogged down too much in details. Then let the students vote on whether they really feel that these rules or laws should exist.

To sum up, ask some of the following questions to help bring out key points of the concept. Tie these questions in with the specific items on the board.

1. Can good law-abiding citizens sometimes feel that "good laws" are personally unjust? (e.g. ambitious, individualistic man vs. Social Security).

2. Can you expect most laws to have people that will disagree with them because they are adversely affected? (e.g. Insurance men and lawyers vs. no-fault insurance.)

3. Don't most laws limit certain peoples' rights?

4. Would you prefer a society of laws or a society where the strongest decide what will be done?

METHOD B: Role Playing a "Lord of the Flies" Situation

Another way to realize the concept is through a social drama, role-playing situation. The participants should know the general direction of this skit very well, but much imagination and innovation is encouraged both on the part of the teacher and the students. The beginning can be impromptu, but the end should be carefully planned. Have the four students playing the roles sit on the floor in the middle of the room as if sitting around a campfire, while the rest of the class sits around them observing the proceedings. This arrangement tends to put students more in the mood of the "drama." Here is a list of the plot and the participants. Try to cajole the right personality-types to fill the parts. The participants should know the ending, but the class should not. The entire class is considered to be members of the crash party. A commentator should be appointed to explain the overall plot to the class:

PLOT: Your plane which was chartered for a school excursion has crashed on a remote Pacific island, killing the crew and the adult leader. Most of the knowledgeable students realize that your stay on this lush, but remote island may last for years and maybe forever. There are four youths who tend to be natural leaders of the other students. The four meet together to plan what type of system to set up. Each of the four has a basic stand.

JIM: He believes that leaders should be elected by the votes of all those stranded on the island. The leader's job is to organize the group into a functioning society and by seeing that all work to contribute to survival or they will be punished. He believes that after one year a new election should be held to determine if new leaders and/or new policies should be selected. Also, a police force should be selected to protect the young and weak students from the strong and older students.

JUDY: She is a girl who frowned on the establishment and the authorities back home and she does not want anything of the kind set up here. She feels that each person should do what they as an individual desires and each should go their separate ways and do their own thing. After all, there is more than three square miles per person on the island.

AL: "Big Al," as he is called, has not been very popular at school because he was regarded as a bully along with four of his friends. Al has already started putting people into his ranks by threats and intimidations. He is bigger and tougher and is determined that he is going to be king of his own little island kingdom. He describes how that what will be done on the island will be what "Big Al" thinks should be done.

FRED: He is an emotionally detached, uncommitted fellow. His role is to point out the strengths and weakness of each of the other three as they describe in the above order what type of society they want to have. After pointing out the weaknesses of all three, Fred asks the class, who are the rest of the stranded, which plan they wish to follow. After the voting has been

completed, Al steps forth and says that voting is useless and that he and his toughs are going to take over. At this moment, Judy says that Al will do no such thing because she is throwing her support over to Jim because she now sees that rules and order are probably necessary in order to stop people like Al; they cannot take them both over when they are unified. Al is booed and hissed out of the room. When things are calm, Fred says that under Jim's plan you must allow all minorities, including Al, to partake in his type of government.

(THE END)

Questions to ask to aid in analyzation:

1. Was this, in a way, a microscopic view of how ancient and tribal laws developed?

2. Do the strong, the "Big Al's," ever rule? Name some countries.

3. If people did not make compromise, such as Judy made, what might happen? Don't all laws involve compromises (see Section D on compromise)? What would have happened on the island if Judy had not made her compromise with Jim? Most likely, some of Judy's free spirit will be incorporated into the island government through her influence.

4. To gain her freedom, didn't Judy see herself as putting herself under the restraining influence of law.

5. Won't certain people have to be delegated authority in order for the island society to develop?

6. Could Judy's original plan ever work when there are "Al" types around?

7. In what way was Judy's decision to hand over part of her freedom in exchange for legal protection comparable to the pilgrims entering into the Mayflower Compact? Some student research may be necessary to bring out meaningful parallels.

SUMMARY OF TEACHING PROCEDURES

(Section B - Part 3.)

As a society changes from a simple, rural society into a complex, urban, industrial society, the laws grow in quantity and complexity.

METHOD A: Intersection Exercise

What physical changes will occur to intersection as the population increases? Get student responses then show overlay.

Also, apply growing population to increased written and formalized regulations in:

1. Small school vs. large school.

2. Small company vs. large company.

3. An army 5-man patrol vs. a 20,000 man division.

As our society grows what does the future hold as far as the amount of formalized rules and laws are concerned.

EXPLANATION OF PROCEDURE

This activity is closely related to the intersection exercise in concept 1 of this section, but it is pointing out another type of concept. You may want to handle this as part of the concept 1 intersection exercise, but be sure you are focusing upon the ideas behind the new concept. Show the same blank intersection as in concept 1 and have the students describe what happens to this intersection as it gradually changes from rural to small town to busy city intersection. The students should be able to see how as people live close together, more regulations are necessary. They should also suggest various physical changes that will occur to the intersection as shown in the index. Make overlays from these sketches and then after the students have suggested many of the changes, confirm the suggestions by showing them on the overhead projector. After the intersection exercise has demonstrated the concept, apply the concept to other situations, such as:

1. The amount of written rules in a small school vs. the amount in a large school.

2. The amount of rules and formality in a small company vs. that of a large company, such as Generall Motors, ITT, or IBM.

3. The formalization and rules of a 5-man patrol vs. that of a 20,000 man division.

4. The amount of written rules in a club of five people vs. a national club that has 125,000 members and a national convention.

Related Materials C

Here is a compilation of famous quotes pertaining to law, crime, and law enforcement. You can fit these in as you desire into this segment of study or into any other segment.

For example, you could begin each day of study with one of these quotes; you could use these quotes when you are summarizing the entire unit of study; or you could pass the quotes out to students and have each student write a one-sentence interpretation of the deeper meaning of the quote.

QUOTATIONS

Liberty in the most literal sense is the negation of Law, for Law is restraint, and the absence of restraint is anarchy.

Benjamin N. Cardozo

The law is the last result of human wisdom acting upon human experience for the benefit of the public.

Samuel Johnson

Our nation is founded on the principle that observance of the law is the eternal safeguard of liberty and defiance of the law is the surest road to tyranny.

John F. Kennedy

A community without law is but a shell.

John F. Kennedy

Law cannot persuade where it cannot punish.

Thomas Fuller

It is the duty of citizens not only to observe the law, but to let it be known that he is opposed to its violation.

Calvin Coolidge

If the law is upheld only by government officials, then all law is at an end.

Herbert Hoover

The law is reason free from freedom passion.

Aristotle

Laws should be like clothes. They should fit the people they are meant to serve.

Clarence Darrow

The execution of the laws is more important than the making of them.

Thomas Jefferson

Men do not make laws. They do but discover them.

Calvin Coolidge

Laws exist in vain for those who have not the courage and the means to defend them.

T. B. Macualay

Law is the expression and the perfection of common sense.
Joseph Choate

Failure to respect personality, whether of ourselves or others is the basic social sin, and the cause of most crimes or social injustice.
George W. Fiske

Where there is no common power, there is no law.
Thomas Hobbes

Liberty is meaningless save in terms of law; and law demands authority and subordination as conditions of its life.
Harold Laski

The safety of the people is the highest law.
The Twelve Tables

The law is but words and paper without the hands and swords of men.
James Harrington

Unit I

HUMAN RIGHTS

LAW IN UTAH

(Section C)

OBJECTIVE: The student will demonstrate in writing and discussion his knowledge of nine laws. This knowledge should include:

a. What the law is,
b. What rights are protected, and
c. What and where rights are restricted or reduced.

The teacher will evaluate this demonstrated knowledge on the basis of class discussions and written work after completing this section.

PART 1: A society based on law requires the citizens to know the laws.

PART 2: Laws at various times and under various circumstances are not enforced.

SUMMARY OF TEACHING PROCEDURES

(Section C-- Part 1.)

A society based on law requires the citizens to know the laws, that law brings order to a society, protects the rights of the individual, and sometimes limits individual rights.

METHOD A: Follow the pattern below using the laws that would apply most to the particular group of students being taught.

- Give a story where a law was broken
- Explain the law that applies.
- Explain the prescribed penalty.
- Discuss what rights are protected by the law.
- Whose or what rights were restricted or comprised by the law.
- Where applicable, include a discussion of why and under what circumstances the law would not be enforced.
- Somewhere when considering the ten laws, ask the students if it is possible to pass a law that will guarantee the rights of all individuals concerned.

MATERIALS NEEDED:

Stories, laws, and discussions guideline contained in explanation of procedure section, page

METHOD B: Follow the pattern in Method A for several laws. At various times during the remainder of the course repeat the procedure. A good time would be during the section on law enforcement. Method B is suggested to avoid possible boredom of sustained treatment of this subject. Pick which method which you feel is best. The example of laws contained in the next ten pages would be vigorously enforced by most officers. Whether the penalty is used depends on the courts, the defendant's previous record, and the age of the defendant. If there is a need for more information on the courts juvenile procedure, see Unit IV.

Same as in Method A.

At one time or another in the past, part of or all of a society would have considered the laws contained in this section an invasion of their rights. If in the previous sections you defined law and human rights in such a way that students cannot see what rights are restricted by the laws contained herein -- please use this section for its secondary purpose of making the law better known.

EXPLANATION OF PROCEDURE

Knwoledge of the law helps understand the reason for keeping it. The following are case studies to further emphasize the purpose of law.

ASSAULT WITH A DEADLY WEAPON

In May 1960, a young man on a motorcycle was being pursued by two police officers who were also on motorcycles. The young man was a suspect in an earlier robbery. As the suspect was being overtaken, he suddenly slammed on his brakes. The policeman in the lead went on past because he was taken by surprise. When the suspect saw he was surrounded he gunned his cycle and rammed into the officer in front broadside.

(Discuss the laws which were broken with the students, then read the following law from the Utah Code.)

Assault with a Deadly Weapon - Penalty - "Every person who, with intention to do bodily harm and without just cause or excuse, or when no considerable provocation appears, or when the circumstances show an abundant or malignant heart, commits an assault upon the person of another with a deadly weapon, instrument or other thing is punishable by imprisonment in the state prison not exceeding five years or by fine not exceeding $1,000 or by both."
76 - 7-6, Utah Code Annotated

Now discuss with the students what rights the law was meant to protect and what rights were reduced by the law. The reason the above story was chosen is that many people are unaware that an automobile or motorcycle could be considered a deadly weapon. Teenagers often get in fights where emotions are aroused and other deadly weapons such as chairs, bottles, or chains might be used. Therefore the authors feel this law should be explained.

RESISTING OR OBSTRUCTING OFFICERS IN DISCHARGE OF DUTY

As Officer Brown approached an intersection, he saw a car run a red light. He pulled the car over and started to write the man a ticket. Suddenly, the man's wife opened the other door of the car and began calling the officer names. She walked over to him screaming, then tore up the ticket and slapped his face. He asked her to get out of the way but she refused and would not let the officer near the car.

(Discuss the law involved.)

"Every person who willfully resists, delays, or obstructs a public officer in discharging, or attempting to discharge, any duty of his office,

when no other punishment is prescribed, is punishable by fine not exceeding $1,000 or by imprisonment in the county jail for not exceeding one year, or by both."

Discuss the rights denied and protected by the law. It is generally agreed that rather than become excited and unreasonable as described above, someone who does not agree with the actions of an officer should remain calm and observe the proceedings in order to testify later.

ARSON

School was getting old. It was late in the year and spring fever was hitting everyone. A couple of girls, while eating lunch on the lawn, decided to make things a little more exciting, so they set the garbage can on fire. The next two weeks several others followed their example and several other garbage cans burned including two in the school. One afternoon, when the halls were all decorated for the school's traditional spirit week, someone set fire to the garbage can next to the main entrance. The fire spread to the decorations and rapidly to the ceiling. Before the fire was controlled, $100,000 in damage had been done.

(Discuss the laws broken.)

Arson - Penalty - "Any person who willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, or any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or belonging to or adjoining thereto, whether the property of himself or of another, is guilty of arson, and shall be sentenced to the state prison for not less than two nor more than twenty years."
76 - 6-1, Utah Code Annotated

Discuss the rights protected and denied involved with the above law. Arson can be charged in such cases as demonstrations where fire bombs are thrown. If someone is killed in any case of arson, homicide or manslaughter might also be charged.

RECEIVING STOLEN PROPERTY

Bill needed some new tires for his car. He could not afford much so he went to John who everyone knew could get some cheap "hot" tires.

(Discuss the law.)

Receiving Stolen Property - Penalty - "Every person who, for his own gain or prevent the owner from again possessing his property, buys or receives any personal property exceeding $50. in value, knowing the same to have been stolen, is punishable by imprisonment in the state prison not exceeding less than five years, if the value of the property so bought or received is $50. or less in value, he is guilty of a misdemeanor."
76 - 38-12, Utah Code Annotated

Discuss the rights protected and denied.

See page 33 on Injuring or Removing Road Signs for the punishment of a misdemeanor.

TELEPHONE HARASSMENT

Bill and Jim felt they had found a great way of having fun. When things got boring, they would call up girls and not tell them who was calling. One night Bill called up a new girl in school. Instead of talking, he just breathed heavily into the phone. This continued for a couple of days. As the days went on, threats and obscenities were added to the heavy breathing. The two boys had all kinds of laughs over how the girl sounded scared.

(Discuss what laws were broken.)

Telephone Harassment - obscene, lewd, and profane language and unidentified calls. "It shall be unlawful for any person with intent to threaten, frighten annoy or affend another to anonymously telephone another and (1) address to or about such person any obscene, lewd, or profane language or to suggest any lewd or lascivious act or to address to such other person any threat to inflict injury or physical harm to the person or property of their person addressed or any member of his family, or (2) to disturb the peace, quiet or right of privacy of any person at the place where the telephone call or calls are received by repeated anonymous or unidentified calls whether or not conversation ensues. The use of obscene, lewd or profane language or the making of a threat shall be primafacie evidence of intent to annoy or offend."
76 - 48-29, Utah Code Annotated

Penalty - "any person who violates any provision of this act shall on first conviction be fined not more than $299 or be imprisoned in the county jail for not more than six months, or both, and upon a subsequent conviction for violation of this act, the offender shall be fined not more than $1,000 or be imprisoned in the state prison for not more than three years, or both."
76 - 48-32, Utah Code Annotated

Right and enforcement discussion. Discuss what rights are denied and what rights are protected in the above story and by the above law. Recent inventions make it possible to trace a phone call even after the connection has been cut. The method is fast and fail proof. Some callers have even been arrested while still in pay telephone booth. Some people regularly keep these devices on their phones,--therefore, even one "joke" could have fairly serious consequences which could include denial of the right of telephone service.

AUTOMOBILE HOMICIDE

Bill and John were out for a good time tonight. School was out for the summer and they were going to celebrate. They picked up their girlfriends, some six packs of beer, and a bottle of whiskey from an older neighbor. They spent the evening having a "ball" up one of the local canyons. About 2:00 a.m. after each of them was drunk, they headed for home. Bill was driving, but Kathy his girl was constantly tickling him or grabbing the wheel. As they turned the corner onto the highway on the wrong side of the road, they hit head on into a Volkswagen. John and Kathy were killed as well as the woman and nine month old baby in the Volkswagen.

Have the students discuss which laws were broken and then read the following law from the Utah Code.

Automobile Homicide - Penalty - "Any person while under the influence of intoxicating liquor or narcotic drugs, or who is under the influence of any other drug to a degree which renders him incapable of safely driving any automobile, motorcycle, or other motor vehicle in a reckless, negligent or careless manner, or with a wanton or reckless disregard of human life or safety, shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment in the state penitentiary for a period of not less than one year nor more than ten years. A death penalty under this section is one which occurs as a proximate result of the accident within a year and a day after the accident."

Now discuss with the students the rights that are meant to be protected by the law and what rights might therefore be restricted by it. The example above is a felony. Minors might be bound over to adult court proceeding on the discretion of the court. In a case such as described above, there is a very good chance of a prison sentence.

No teenager starts out driving with the idea of being killed, however, automobile accidents are one of the leading causes of death among teenagers.

INJURING OR REMOVING ROAD SIGNS

Bill felt he needed something in his room to make it a little more distinctive. Over a period of three months, he collected a "stop" sign, a "do not enter" sign, and a "yield" sign which he put on the walls of his room.

(Discuss the laws concerned.)

Injuring or Removing Road Signs - "Every person who maliciously removes or injures any milepost or milestone or guidepost or any inscription on such, erected upon highway, is guilty of a misdemeanor."
76-- 28-78, Utah Code Annotated

Punishments for misdemeanors - "Except in cases where a difficult punishment is prescribed by law, every offense declared to be a misdemeanor is punishable by imprisonment in a county jail not exceeding six months or by a fine of any sum less than $300. or by both."

Discuss the rights involved. This particular crime gripes most law officers because of the needless cost involved. Most officers would vigorously enforce this particular law.

REFUSING TO ASSIST OFFICER IN MAKING ARREST

Bill and Mike were standing in line at a hamburger stand waiting to order. Suddenly a siren sounded and then two cars pulled over in front of the stand. The police officers walked to the first car and started talking to the men inside. Suddenly, the doors of the first car opened and three men got out and began attacking the officer. The officer called to Bill and Mike but they turned their backs and ignored him.

(Discuss the laws that were broken, then read the following law.)

Refusing to Assist Officer in Making Arrest - Penalty - "Every male person over eighteen years of age who neglects or refuses to join the posse comitus or power of the county, by neglecting or refusing to aid and assist in taking or arresting any person against whom there may be issued any process, or by neglecting to aid and assist in retaking any person who after being arrested or confined may have escaped from such arrest or imprisonment, or by neglecting or refusing to aid and assist in preventing any breach of the peace or by the commission of any criminal offense, being there to lawfully required by any sheriff, deputy sheriff, constable, judge or justice of the peace or other officers concerned in the administration of justice is punishable by a fine of not exceeding $100."

76 - 28-57, Utah Code Annotated

Discuss what rights the law protects and what rights were denied to various individuals in the above story.

RECKLESS DRIVING

North High had just won the big football game against Mountain Bell High. Perry, George and Ralph hopped in the car and drove off to celebrate. They honked the horn, and shouted, and threw water balloons. Suddenly a car filled with students from Mountain Bell passed them. Somebody yelled that they should not let that happen and the race was on. Before they passed the Mountain Bell car, they were going 90 miles per hour. Within minutes the other car was right on their tail. Perry waved the car back and forth across the road to stop them from passing. In the progress both cars went through two stop signs.

(Discuss the laws involved.)

Reckless Driving - Penalty -

a. Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

b. Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five days or more than six months or by a fine and imprisonment. On a second or subsequent conviction, or on a conviction under this section subsequent to a conviction under an ordinance as provided in section 41-6-43 Utah Code Annotated.

c. He shall be punished by imprisonment for not less than ten days nor more than six months, or by a fine of not less than $50 nor more than $1,000 or by both such fine and imprisonment.

For the purpose of this section such second violation shall have occurred within three years of the preceeding violation. The department shall suspend for a period not exceeding three months, the operator's or chauffeur's license of any person convicted upon three charges of reckless driving committed within a period of twelve months; provided, however, that if, upon a first or second conviction the justice or judge shall recommend suspension of the convicted person's license, the department shall suspend the said license for a period not to exceed three months.

to exceed three months.

41 - 6-45, Utah Code Annotated

Discuss the rights protected and denied.

NARCOTIC DRUG ACT

Officers O'Reiley and Neil were detailed to state out a hotel where heroin was suspected of being sold. One evening a car pulled up and a young man got out and went into the building. Three minutes later he got back into the car. The officers pulled the car over and found a balloon filled with heroin.

(Discuss the law.)

Penalties under uniform Narcotic Drug Act.

"Every person who transports, imports into this state, sells, furnishes, administrates, gives away, or offers to transport -- or attempts to import into this state or transport any other narcotic other than marijuana----."

58 - 13a-44 (8), Utah Code Annotated

First offense - five years to life in the state prison. (Three years minimum.)

Second offense - not less than ten years to life in the state prison.

Third offense - not less than fifteen years to life in the state prison.

Discuss the rights protected and denied. Many people find themselves in trouble by "picking something up for a friend." Anyone in the car in the example above would be arrested. In the above example, a young girl was in the car and was also arrested

There is a federal law that would enable the officers in the above example to impound and sell at auction the suspect's automobile.

SUMMARY OF TEACHING PROCEDURES

(Section C - Part 2.)

Law at various times and under various circumstances are not enforced.

METHOD A: Ask students to make a list of laws that in their experience are not consistently enforced.

Ask the students to make a second list of reasons why they believe these laws may at times go unenforced.

Fill in the lists from the lists provided on page and discuss these with the students.

MATERIALS NEEDED:

1. List of some laws that are not consistently enforced on page 36 Related Materials A.

2. List and give a brief description of reasons why some laws are not enforced.

Related Materials A

Some laws are not consistently enforced. The following list is not meant to be complete but merely as examples.

1. Curfew laws.
2. Smoking laws.
3. Liquor laws.
4. Some traffic laws.
5. Truancy.

The following list is not meant to be apologetic or undue critical. It is hoped the list recognizes reasons that deal with priorities, organization, human nature, and human weakness.

Possible reasons for uncertain or uneven application of the law.

1. Priorities

With the mass of law that should be enforced, and limited personnel, law enforcement agencies (especially in large metropolitan areas) will place a priority on how laws will be enforced. Example: Worry about heroin before marijuana or life and limb takes preeedence over property.

2. Changing Morals

The law was passed at a time when the act in question was considered bad, times have now changed and the law is out of date. Example: Dress standards in 1919 vs. 1972.

3. Public Attitude

The general attitude of the people are against the law. This puts pressure on the law officers who tend not to enforce the law.

4. Attitude of Officers

Each person has his individual prejudices and quirks. He might believe something is bad whereas the next officer ignores it.

5. Police Department Policy

Some laws are more difficult to enforce than they are worth in the eyes of the enforcers. Example: Illegal parking on city streets at night.

6. Mass Incidence

Some crimes occur commonly with little visible harm, the law concerning that crime might be overlooked. (Example: The juvenile smoking laws are flagrantly broken in front of an officer often in the form of a challenge). Most officers will enforce those laws.

7. Question of Legality

If there is reason to assume a law might be unconstitutional, that law might not be enforced for a time.

8. Organization

An officer might have another assignment and be too busy to worry about minor infraction.

9. Unprepared Officers

Some police officers simply do not command a sufficient knowledge of the law.

SUMMARY OF TEACHING PROCEDURES

(Section D - Enrichment)

METHOD A: Assign students to represent districts and parties or to be lobbyists.

Legislators prepare possible amendments to the proposed bills.

Legislative session.

Debriefing session.

MATERIALS NEEDED:

1. Related Materials E, page 48.
2. Related Materials A, page 41.
3. Related Materials A, B, C, and D, pages 41-47.
4. Related Materials A, page 41.

EXPLANATION OF TEACHING PROCEDURE

The purpose of this simulation is to provide the student with an experience in the process of law making. The exercise is meant to reinforce the concepts presented in the other parts of the unit concerning human rights. The student will be put into a situation where he will have to decide how best to protect the rights of all people.

The simulation has been prepared in a fairly complicated manner and as a result requires more time. If the teacher wishes to reduce the time spent on the exercise, he may delete various parts such as the lobby, preparation time, county assignments, etc.

CAUTION: The legislative session should be limited to three days. A longer period of time could detract from the activity.

FOLLOW THESE STEPS:

1. The teacher should assign the students to the districts which they will represent. Next, assign the same number of students to be members of the Federal and National parties. The majority party should be decided by lot. There are nine counties in the State of Athpa. Assign a member of each party to be from each county. Depending on the size of the class, delete one or more districts, or increase the size of the delegations. Pass out copies of Related Materials, pages 46-47, a map and description of the districts.

2. Pass out to each student a copy of Related Materials A and E. A is a list of the proposed bills with a brief pro and con composition on each. Related Materials E is a chart that will help the student keep track of the various pressures that affect him. When the student receives the chart, have him fill out column one--his personal opinion on each of the proposed bills.

3. As the students are filling out column one, assign two to five students to be lobbyists. The lobbyists will represent various opinion groups to the legislators. Select students who can work on their own to a degree. Let the lobbyists select two or three bills which they will specialize in. Send these students to the library to do research. The purpose of the research is to gain information and facts that is not open to the other students. The

legislators should be told that the lobbyist's opinions and information will be truthful and helpful.

4. Give each legislator the proper form of Related Materials B. Related Materials B lists voter opinion on most of the proposed bills. Give each legislator the proper form according to which district he represents. The legislator would list voter opinion in column two of his copy of Related Materials E.

5. The members of each party--National and Federal--should meet in caucus. Pass out copies of Related Materials D, the basic beliefs of each party.

Each party should accomplish the following:

a. Become familiar with the party's belief to use as guidelines.

b. Choose a minority or majority whip. The whip conducts all party business and tries to engineer the party's position on each bill through the legislature.

c. The majority party (only) chooses the speaker of the House. The speaker will conduct the sessions. The speaker's position is vital to a smooth running session. The student should not be timid or slow to talk. The speaker needs to be forceful and in command. If such a student is not available, it might be best to have the teacher fill this position.

d. Each caucus should decide which bills its party will support. (Use Related Materials D, as a guideline.)

e. Rank each bill in importance to the goals of the party. This is an important step since the legislative session should be limited in time. The bills with the lowest ranking may not be discussed or considered. Based on the information from the caucus, each legislator should fill out column three of Related Materials E, which is the party's position on each bill.

6. Give each student time to evaluate his position on each bill. In most cases this position will not be clear cut. Each legislator should analyze the various positions he has written on Related Materials E. The student should be encouraged to make amendments or new bills if he believes the changes will better fit the needs of the people he represents. At the beginning of this step the lobbyists should return to begin lining up support for their views on the bills. Column four of Related Materials E, should be filled out as much as possible at this time. Column four is the lobbyist's opinion on each bill.

7. Legislative session. The speaker of the House selected by the majority party will direct the voting sessions.

a. The first order of business will be to determine in which order the bills will be considered. Each legislator will have three votes. The bills with the most votes will be presented first and so on.

b. The speaker then will present the first bill to the House. The proceedings could now follow one of four courses.

1. A motion could be made to table the bill. This means to postpone action on it. If the motion is seconded, a vote must be taken immediately without discussion. If a majority vote to table, the next bill will be presented. If the motion is defeated, one of the other two courses will be followed.

2. A motion could be made to adopt the bill. If there is a second, discussion will follow. If there is no second, the bill will die and a new one will be taken up. Discussion could be either limited or open depending on the goals of the teacher for the simulation.

3. A motion and second could be made to adopt the bill. If a counter motion and second is made to table the bill, a vote must be taken immediately. If a majority votes to table the bill, the situation follows as in 1 above. If a majority votes to consider the bill, the procedure follows as in 2 above.

4. During discussion an amendment to the bill may be proposed. If seconded, a vote will be taken after discussion. If not seconded, the amendment dies. If a majority vote for the amendment, the bill stands as amended for discussion. A thorough discussion is very important for the goals of the exercise to be accomplished. Instill in the students the importance of inquiring into each bill completely before action is taken.

After each bill is considered before the next is presented, a free discussion period is permitted. Legislators, whips, and lobbyists may at this time try to line up support for their positions on the next bill to be presented. Each period is limited to ten minutes unless a minimum of five legislators request more time from the speaker.

The procedure will follow until all bills and amendments have been considered as passed or defeated.

DEBRIEFING

This section is the most important phase of the exercise. The student should be allowed to analyze his experience in order to discover the concepts of the unit himself.

In order to prepare the students to get the most possible from the debriefing session, give the following assignment:

> Prepare a list of observations from the legislation exercise which includes such things as pressures on legislators, how laws are made, and what new ideas you learned.

Bring out the following:

1. How compromise increased the quality of the laws passed.
2. How debate changed minds on the issues.
3. How complex the issue of human rights is. There are good and bad sides to each issue.
4. How there was a need for order in the process of law making.
5. How the needs of as many people and groups as possible was met.
6. Discuss some of the bills to bring out the idea that there is a gray area where one person's rights end and another's begins. Examples: abortion, victims of crime, drunken driving.

7. Changing social, economic, and political situations requires law making bodies to constantly redefine human rights.

Related Materials A

The information contained herein is not meant to be complete. It is meant only to spark further ideas on each bill. Lobbyists and the students themselves should use their own ideas and resources to get additional information.

NOTE TO TEACHER: The list of bills is meant to be fairly current. Please feel free to substitute any other bills you consider more important. In debating the bills, individual rights, the common good, etc., should be considered by the students. The concepts that were presented throughout the unit on human rights should be reinforced. Use all or part of the bills listed in this appendix.

BILL #1 - Day Care Centers

The bill provides for free day care centers in the state of Athpa. To qualify, a person must be the sole supporter for a family. Cost: 25 million dollars.

Supporters

The bill will help erase a cause of poverty. Many people cannot work because they need to care for children.
Day care centers will help establish equal rights for women.

Opponents

If poor people have the right to day care, then everyone does.
The cost is too high.
The government has no business providing this service.

BILL #2

Mandatory death penalty in cases of first degree murder.

Supporters

Long prison terms are not a good enough deterrent to murder. There is always the chance of parole or escape.
The punishment should fit the crime.

Opponents

No one has the right to take a life.
The death penalty is a cruel and unusual punishment.

BILL #3

Mandatory firearms sentence.
It shall be unlawful to use or threaten to use a firearm in the commission of any crime defined in the Athpa Crime Code. Any person convicted of

using firearms in the commission of a crime shall receive a mandatory ten year sentence to the state prison. This sentence must be in addition to sentences for other crimes.

Supporters

This measure will cut down on violent crime. If the penalty is big enough, criminals will think twice before committing the crime.

Opponents

The bill will only cause more violence since the criminals will make doubly sure they do not get caught.

The government should try to stop the causes of crime, reacting to crime after it happens will not work.

BILL #4

Drunk driving.

Any person convicted of operating a motor vehicle while legally drunk shall be sentenced to the state prison for not less than three years nor more than five years.

Supporters

Half of all traffic accidents are caused by drunk drivers.

Drunk driving should be considered a criminal offense.

Opponents

Drunkenness is a disease not a crime.

The havoc caused by putting the head of a household in jail and his family on welfare would not be worth it.

BILL #5

Victims of crime.

A bill which will compensate the victims of crime. Eighty percent of the losses a person sustains in a crime shall be made up to him by the government. Cost: 100 million dollars per year.

Supporters

Everyone worries about the rights of criminals but not the rights of the victims of crime.

The rights of the innocent must be sustained.

Opponents

The costs are too high.

This is not something government should be involved with.

BILL #6

Property Defense.

It shall be lawful that citizens of Athpa may use whatever force is necessary to safeguard their property and possessions.

Supporters

To defend one's self and property is one of man's natural rights.

Opponents

The right to life is more important than the right to property. No one has the right to kill to protect property.

BILL #7

Welfare Reform.

Provides help for those people who must have it to live at a proper level. Those on the present system of welfare must learn a trade within a 15 month period. The program supplies welfare, schooling, and day care for not more than 15 months. Mental and physical handicapped people will be considered as each case warrants. In such cases the time period will be lengthened as necessary. Cost: A savings of 2 million dollars per year.

Supporters

The bill saves money and gets people off welfare.

The bill eliminates the abuses of the present program.

Opponents

The bill will not solve the problem.

Many people are on welfare because they cannot find a job or are laid off. Where will all the jobs come from?

BILL #8

Abortion.

Provides an abortion for any woman who desires one. The cost shall be no more than $100. If the cost exceeds $100, the government shall pay the difference.

Supporters

A woman has the right to terminate an unwanted pregnancy.

Abortion will solve many of the social problems caused by unwanted children in a family.

Opponents

Abortion is nothing more than murder.

No one has the right to decide whether someone lives or dies.

Related Materials B

PUBLIC POLLS-1ST DISTRICT

	Bill	In Favor	Against	No Opinion
1.	Day Care	52%	40%	8%
2.	Death Penalty	60%	33%	7%
3.	Firearms	50%	44%	6%
4.	Drunk Driving	60%	36%	4%
5.	Crime Victims	40%	57%	3%
6.	Property Defense	No Poll Taken		
7.	Welfare Reform	40%	56%	4%
8.	Abortion	82%	16%	2%

PUBLIC POLLS-2ND DISTRICT

	Bill	In Favor	Against	No Opinion
1.	Day Care	47%	40%	13%
2.	Death Penalty	70%	20%	10%
3.	Firearms	53%	40%	7%
4.	Drunk Driving	43%	52%	5%
5.	Crime Victims	47%	47%	6%
6.	Property Defense	80%	10%	10%
7.	Welfare Reform	No Poll Taken		
8.	Abortion	77%	21%	2%

PUBLIC POLLS-3RD DISTRICT

	Bill	In Favor	Against	No Opinion
1.	Day Care	50%	46%	4%
2.	Death Penalty	62%	37%	1%
3.	Firearms	51%	48%	1%
4.	Drunk Driving	53%	41%	6%
5.	Crime Victims	45%	52%	3%
6.	Property Defense	75%	10%	15%
7.	Welfare Reform	42%	54%	4%
8.	Abortion	79%	20%	1%

PUBLIC POLLS-4TH DISTRICT

	Bill	In Favor	Against	No Opinion
1.	Day Care	51%	42%	7%
2.	Death Penalty	64%	33%	3%
3.	Firearms	41%	53%	6%
4.	Drunk Driving	64%	31%	5%
5.	Crime Victims	32%	63%	5%
6.	Property Defense	52%	41%	7%
7.	Welfare Reform	36%	60%	4%
8.	Abortion	81%	15%	4%

PUBLIC POLLS-5TH DISTRICT

	Bill	In Favor	Against	No Opinion
1.	Day Care	No Poll Taken		
2.	Death Penalty	75%	22%	3%
3.	Firearms	55%	47%	3%
4.	Drunk Driving	41%	54%	5%
5.	Crime Victims	45%	50%	5%
6.	Property Defense	72%	24%	4%
7.	Welfare Reform	61%	38%	1%
8.	Abortion	72%	26%	2%

PUBLIC POLLS-6TH DISTRICT

	Bill	In Favor	Against	No Opinion
1.	Day Care	40%	55%	5%
2.	Death Penalty	70%	27%	3%
3.	Firearms	65%	30%	5%
4.	Drunk Driving	37%	60%	3%
5.	Crime Victims	50%	35%	15%
6.	Property Defense	90%	4%	6%
7.	Welfare Reform	85%	12%	3%
8.	Abortion	45%	35%	20%

PUBLIC POLLS-7TH DISTRICT

	Bill	In Favor	Against	No Opinion
1.	Day Care	32%	54%	14%
2.	Death Penalty	72%	24%	4%
3.	Firearms	72%	20%	8%
4.	Drunk Driving	29%	71%	-
5.	Crime Victims	No Poll Taken		
6.	Property Defense	89%	3%	8%
7.	Welfare Reform	83%	15%	2%
8.	Abortion	40%	52%	8%

PUBLIC POLLS-8TH DISTRICT

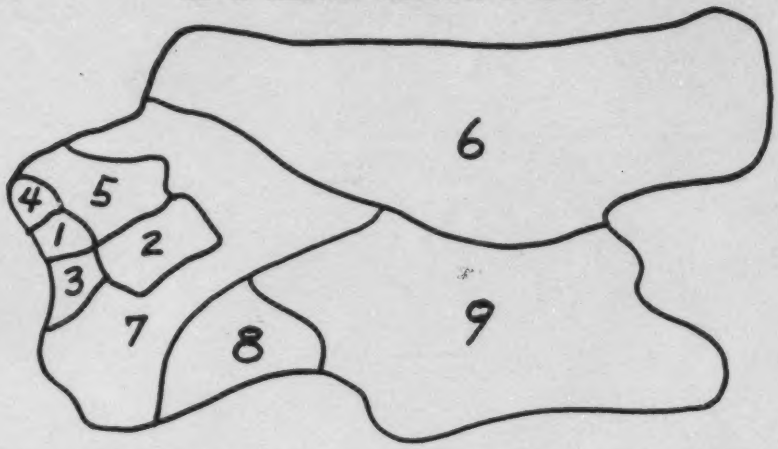
	Bill	In Favor	Against	No Opinion
1.	Day Care	45%	42%	13%
2.	Death Penalty	74%	21%	5%
3.	Firearms	No Poll Taken		
4.	Drunk Driving	42%	55%	3%
5.	Crime Victims	48%	46%	6%
6.	Property Defense	74%	14%	2%
7.	Welfare Reform	62%	35%	3%
8.	Abortion	75%	20%	5%

PUBLIC POLLS-9TH DISTRICT

	Bill	In Favor	Against	No Opinion
1.	Day Care	41%	52%	7%
2.	Death Penalty	62%	31%	7%
3.	Firearms	60%	37%	3%
4.	Drunk Driving	33%	54%	13%
5.	Crime Victims	51%	37%	12%
6.	Property Defense	83%	10%	7%
7.	Welfare Reform	73%	26%	1%
8.	Abortion	41%	47%	12%

Related Materials C

MAP OF ELECTION DISTRICTS IN ATHPA



1st District -- 122,000 people, an urban area, with a large business area. Most people belong to the National Party.

2nd District -- 112,000 people, a suburb area with a number of farms and orchards. The people are divided between the Federation and the National Parties.

3rd District -- 129,000 people, an urban area with large areas of manufacturing, the dock area, and the rail yards. Most people follow the National Party.

4th District -- 125,000 people, a suburb and apartment area. Most people follow along with the goals of the National Party.

5th District -- 110,000 people, an area of small towns and farming. The National and Federation Parties are of equal strength.

6th District -- 96,000 people, mostly small scattered towns where the main crop is wheat. The people are mostly Federation Party followers.

7th District -- 107,000 people. An area of orchards and vegetable farms to feed the city. The people follow the Federation Party.

8th District -- 117,000 people. The second largest town. The people farm and are employed in light manufacturing. The two parties are divided in strength.

9th District -- 106,000 people. Cattle country with cattle ranches and small towns. The people follow mainly the Federation Party.

Related Materials D

List of All the Beliefs of the National Party

1. Beliefs in the rights of the common man. People should be favored; not businesses or institutions.

2. Government should have power to regulate those things that affect the common man to assure equality.

3. Where government does not control; inequalities in wealth, power, and personal rights develop.

4. Rights and privileges of minorities must be protected.

5. Social, political, and economic change can happen without violence.

6. Traditional policies and institutions must be constantly reviewed in the light of new realities.

7. Believes in the capability of Big Government to assure everyone social, economic, and political equality. All aspects of the country must be regulated to assure equality.

List of the Beliefs of the Federation Party

1. Time-proven methods adopted to present situation is the best source of action.

2. The nation was built on the energy of individuals. Private ownership and control fosters progress and competition. Public ownership and control fosters a welfare attitude and destroys initiative.

3. Business provides jobs, progress in the nation, and a way to solve the nation's problems. Business should be encouraged.

4. Deficit spending is a very unstable way to run any organization--budgets should be balanced.

5. Taxes are a burden on the people and business of the country and should be kept to a minimum. High taxes destroy initiative and progress.

6. Local governments close to the people should have priority over national government. Local governments can serve the people better.

Related Materials E

PERSONAL INFO"MATION RECORD

BILL	OWN OPINION	PUBLIC OPINION	PARTY'S POSITION	LOBBY'S OPINION	ACTION ON BILL
1. Day Care					
2. Death Penalty					
3. Firearms					
4. Drunk Driving					
5. Crime Victims					
6. Property Defense					
7. Welfare Reform					
8. Abortion					

NOTES:

Unit II

CRIME AND CRIMINALS

Section A - Extent of Crime

Part 1. Increasing Crime

Part 2. Definitions of Crime

Section B - Causes of Crime

Part 1. Societies Problems Cause Crime

Part 2. Crimes Causes are Complex

Section C - Society and Crime

Part 1. Approaches to Crime

Part 2. Definitions

Unit II

CRIME AND CRIMINALS

EXTENT OF CRIME

(Section A - Part 1.)

OBJECTIVE: By using the newspaper and materials in the Appendix, page 211, students will be able to identify high crime areas by placing pins in a map indicating the type of crime and its frequency.

Students will be able to list three crimes against persons and six crimes against property and plot the frequency of the nine crimes by year for the past four years on a time graph.

SUMMARY OF TEACHING PROCEDURES

(Section A - Part 1.)

Crime is increasing in the United States.

METHOD A:

Present statistics that show the rise of crime during the last five years.

MATERIALS NEEDED:

1. Charts in Appendix, pages 211 and following.
2. A map of your locality.

METHOD B:

Give the students the statistics in Related Materials, page 211 and have them compile their own chart.

1. The daily crime docket published in many local newspapers.
2. Different colored pins.

METHOD C:

Plot the number and type of crime that occurs in your locality at the time the unit is being taught.

During Section B (Causes of Crime) assign students to study high crime areas to attempt to find causes of crime.

3. Chart in Appendix, pages 211 and following.

EXPLANATION OF PROCEDURE

METHOD A: Present the material from page 211, Appendix, in order to show the extent of crime and the recent rise in the rate of crime. Definitions of the types of crime used in the charts are found in the Enrichment section at the end of the unit. It should be pointed out that not only the number of crimes is increasing, but also the rate of crime.

Further updated material can be obtained from the F.B.I. Unified Crime Reports. For a copy send $1.75 to:

U.S. Government Printing Office
Public Documents Department
Washington, D.C. 20402

Local statistics for cities of 25,000 or more are given in the Unified Crime Reports.

METHOD B: Provide the students with the statistics from materials, page 211. Assign the students in groups or singly to make charts from those given. This method would be recommended if the teacher feels the need for the

students to have a thorough command of the given information on crime.

METHOD C: The students should be aware of the extent of crime in the area in which they live. This exercise works well for a larger area whereas in a small town or rural area the method would not apply well.

Obtain a map of your local area. Maps may be obtained from local government agencies or political parties. The U. S. Geological Survey has quadrangle maps of most populated areas of the United States. Maps may be obtained by writing:

U. S. Geological Survey
Denver, Colorado 80225

or

U. S. Geological Survey
Washington, D. C. 20242

The students could also draw their own simplified map.

Many local newspapers carry a list of the crimes that occur daily in the area. Plot several days of these lists on the map to establish a pattern of crime for the area. Use different color pins for each category of crime.

After the map has been set up it could be referred back to a number of times throughout the remaining units and sections. For example: the areas of high crime could be visited as a way to discover possible causes for crime, or the map could be used to explain methods of police patrol or as a visual aid for the peace officer in his talk to the class.

Unit II

CRIME AND CRIMINALS

CAUSES OF CRIME

(Section B - Part 1.)

Causes and Major Motivating Factors of Crime.

OBJECTIVE: Students will list in essay form ten causes of crime and briefly explain how each contributes to criminal behavior.

SUMMARY OF TEACHING PROCEDURES

(Section B - Part 1.)

METHOD A: Class Discussion		MATERIALS NEEDED:
	Ask class point blank what they feel causes crime. Compile all answers on the board. Ask class questions that will emit responses (see next page) and aid them in analyzing.	1. Related Materials A for a broad listing of the causes of crime.
METHOD B: Group Discussion		
	Break class down into groups to list as many causes of crime as they can. You can make it group competition by appointing a recorder or giving letter grades.	1. Related Materials, for a broad listing of the causes of crime.
METHOD C: Library Research		
	Individual or group research of criminals and articles on crime deduce causes of crime. Review use of Readers' Guide and card catalog.	
METHOD D: Poster Illustration		
	Brief discussion on the causes of crime. Have students find pictures or draw illustrations of scenes that depict causes of crime. Develop into bulletin board display.	1. Old Magazines. 2. Large butcher paper for bulletin board. 3. Related Materials A.
METHOD E: Prisoner Program (or tape)		
	Arrange for visit of prisoners by writing: Utah State Prison Public Relations Prisoner Program Draper, Utah Get school excuse list to have all of your students report to the auditorium. The day after the prisoners' presentation, ask students to compare and contrast the three	1. Alternate to prisoner visit: tape of three prisoners' talks. Send $5 to cover tape and postage to: Social Studies Cyprus High School 8623 W. 3000 So. Magna, Utah 84044 2. Related Materials A, page 57 for checklist for students to keep track of

prisoners' situations; also what specifically caused them to engage in criminal activity.	causes that apply to each prisoner.

EXPLANATION OF PROCEDURE

Social problems are also factors in the causes of crime.

Explanation of teaching procedure: The ultimate result of the activities in this section is that students will be aware of the variety of factors contributing to crime. The students will have developed a long list of causes of crime regardless of which method is used.

The following is: 1) a description of various methods that can be used to achieve the objective, and 2) a comprehensive list of causes of crime. This list should be mainly used as resource material for the teacher.

METHOD A: Class Discussion

One effective method is for the teacher to begin the discussion by asking the class what causes crime. Write all answers on the board. By relying upon the students, a large list should be easily developed. The teacher can draw out more answers through questioning techniques such as:

1. From what conditions have most criminals come? (Poverty, broken homes, alcoholic parent, wrong crowd, etc.)
2. What personal characteristics do many persons committing crimes possess? (Use of drugs or alcohol, do not hold job, mental problems, warped attitude, little formal education, poor self-image, etc.)
3. What national problems contribute to crime? (Poverty, racial discrimination, slums and improper housing, inadequate penal institutions, unemployment, etc.)
4. What influences can make some non-criminal types feel that crime is acceptable? (Peer-group influence, mass media, etc.)

After this list has been fully developed, the class should be encouraged to make some comparisons of the various causes in order to see (1) interrelationships, and (2) root causes of crime. You can even get into solutions of crime, and root causes of crime. You can ask students what they would do if they were a leader of our government to help treat the causes of crime. See Related Materials A, page 57 for a broad listing of the causes of crime that you can use to supplement your activities.

METHOD B: Group Discussion

For this alternative you should break the class down into groups of four to six members each. Their task is to independently name as many causes of crime as they can. When the teacher feels that the groups have had enough time, he should have each group chairman or recorder give the group report to the class. The list should be compiled on the board and the class should

decide whether the causes given by the various groups should be allowed. If you want to make it group competition to see which group lists the most causes, then a class secretary should record all of the groups' answers in order that no additions are made during the class presentations. Bonus points could be given to the group with the best and most comprehensive list, or the teacher could grade each group according to the quality of their work. Related Materials A, page 57 can help bring other causes into discussion that were not listed by the class.

METHOD C: Library Research

If you feel you have an adequate library, you may want to achieve the objective through activities centered around the library. Either individually or in groups, you would assign students to research books and magazines for information on causes of crime. Care should be taken to make sure students know how to use the Readers' Guide to Periodical Literature and the card catalog. The teacher should list possible headings under which information can be found.

Students should be encouraged not only to find formalized articles and research on the causes of crime, but some students should definitely limit their research to the individual psychology behind a criminal. They should do this by looking for information about the personal lives of criminals and then find descriptive passages that help explain what motivated this person into committing crimes. Magazines usually have much biographical information on criminals that have committed recent sensational crimes (e.g. James Oswald, James Earl Ray, Sirhan, Arthur Bremer, Mafia figures, etc.) Also, the card catalog lists many books about criminals of the past which help to give insight into conditions that motivated a person into performing criminal acts and developing a criminal self-image (e.g. Al Capone, Bonnie and Clyde, "Ma" Barker, "Baby Face" Nelson, etc.) The emphasis of the students' papers should be on conditions of life which motivated the person into criminal activity.

METHOD D. Poster Illustration

Another alternative would be to either develop an extensive bulletin board display, or have students compile notebooks illustrating various causes of crime. They can do this either by cutting out pictures from magazines or by making their own sketches. For this assignment, students can either work individually or in groups. Prior class discussion or group work should occur in order to give students ideas about the various contributing factors to crimes. Also, students should be encouraged to bring stacks of magazines from home.

METHOD E: Prisoner Program

If you live in the vicinity of the Utah State Prison, it is possible to arrange for three prisoners to come to your school and present a program on why they have ended up in prison. It is an excellent way to study the causes of crime. A comparison of the aspects that the three have in common is very effective in developing student understanding of the causes of crime. Related Materials A, page 57, is a useful checklist to help class follow the prisoners' presentations. This program might be delayed until Unit V - Penal System, but if you are not teaching that topic, now would be a good time to have the prison program.

If you are unable to arrange a visit by the prisoners, a tape program of three prisoners can be obtained by sending $5 to cover tape and postage costs to the authors at the following address:

Social Studies Dept., Mr. Terry Ward
Cyprus High School
8623 W. 3000 So.
Magna, Utah 84044

This is a 45 minute tape with high interest level and is excellent for drawing out concepts about factors contributing to crime. Along with the tape a class discussion analysis sheet will also be sent.

Related Materials A

CAUSES OF CRIME

1. Poverty and Unemployment

There is a definite relationship between low income areas and high crime areas, especially in our larger cities. Television has added to the frustration by making these people feel as if everyone else is partaking of the "good life" but them. Being unable to find a job makes some feel as if they are justified in stealing.

2. Poor Family Relations

It has been definitely established that most persons' outlook on life has been developed in the first five years of life. If the family atmosphere is filled with tension, bickering, and emotional outbursts, this can affect the social development of the child. Also, if the parents or siblings have anti-social attitudes, the child will tend to have them also.

3. Public Tolerance and Apathy

Corporate white-collar crime is closely associated with the notion that when making money is involved, anything goes--that somehow conniving methods of taking money from people is different than outright stealing. This attitude encourages crime. Also, many people will not report a crime or aid the police by being a witness because they "don't want to get involved." Many criminals are never apprehended or prosecuted because of this attitude.

4. Alcohol and Drugs

Many crimes are committed because alcohol and drugs lower inhibitions that would usually prevent the individual from committing the act. Other crimes are committed because the individual has become "hooked" and must steal to feed his habit. The U. S. Bureau of Narcotics and Dangerous Drugs ascertained in 1972 that drug addiction costs this country $4.7 billion; $2.8 billion of which is the value of property stolen by addicts in order to feed their habit. In 1971, 35% of the prisoners in the Utah State Prison had a record for drug use and 83% of the prison population were regular users of alcohol.

5. Undermanned Law Enforcement Agencies

As the crime rate has increased, the amount of law enforcement officers has not kept pace. This increases offenders' chances of getting away. Crime is increasing in various categories from 7% to 12% yearly. But most police departments are not experiencing any increase of officers due to the strapped

city budgets that most large cities are experiencing.

6. Boredom and Thrill-Seeking

To many individuals, especially the TV-bred generation of young, life is a bore. Each day seems like the last. Our modern technological society has answered most of life and death questions and many people have not developed their own personal challenges. To break the routine doing anything different seems acceptable, and many times this means committing unlawful acts.

7. Poor Education

Some people charge that if the public schools were adequate, then not so many people would be dropping out of the system. They contend that American education should be given greater resources in order to better meet the needs of all the students. To spend money here may result in less spending in our law enforcement and penal institutions. Seventy-six percent of the 574 Utah State prisoners of 1971 had less than a high school diploma with 22% of these having finished less than the 8th grade.

8. Large Population

In many ways we live in a mass society. Some theories of crime assert that some criminal acts are committed by persons asserting their individuality. In other words, they do it to prevent being lost in the crowd. Crime rates in cities are much higher than crime rates in rural areas. There also tends to be more anonymity in a mass society, which leads some to feel that they can commit a crime and not be caught, or they will not feel the shame that was once felt by apprehended offenders.

9. Racial Prejudice

Many minority group members have had many economic and political opportunities and privileges denied them. This creates frustration which causes some to feel that there is nothing wrong with burglary, robbery, and assault because of what the "system" has done to them. Many ghettoes actually have developed expectations among the teenagers which encourage illegal behavior. The policeman is seen as a defender of the "system" which has oppressed them and is therefore seen as the "enemy" by many minority group members. However, it should be stressed that a majority of all minorities are conscientious, law-abiding citizens who make substantial contributions to society.

10. Mass Media

When the general impression given by television is that life is cheap, full of violence, and that cheating and business chicanery are to be admired, many people feel this has a carry over into the lives of the viewers, especially the young. The media gives a low opinion of human behavior, and develops negative attitudes among many of the viewers. One thing that is very noticeable about prisoners at the Utah State Prison is their negative attitude and their low opinion of other people's basic behavior. Much of this was cultivated by their parents but some is probably attributable to the influence of the media.

11. Affluence

America has a very high and well publicized standard of living. Many people feel frustrated at not having what they consider their share of the material comforts. Some may become ambitious and work hard to "get ahead," but others may turn to illegal activities in order to get rich quick rather than through the slow method of working for it. Crime follows the business

cycle, high during periods of prosperity and low during periods of recession and depression. This may help explain the rapid increase of crime during the prosperous 1960's.

12. Rebellion Against Authority

Some people seem to "bristle up" against authority almost from the cradle onward. "No one is going to tell me what to do." "I'm my own boss;" and "You don't know what you're talking about;" are examples of remarks by these "super-independents" who will always seem to be knocking their heads against the norms of society. These types will defy anyone who has legitimate authority over them; parents, teachers, army officers, etc., and ultimately they may defy the police. Much of their behavior can be explained as getting back at someone in authority.

13. Peer Group Influence

One of the most important explanations for teenagers beginning to go wayward is due to the influence of other people of the approximate same age. In the teen years the recognition and approval of others becomes increasingly important to the young. Some young react by trying to excell in studies and athletics whereas others may begin to go wayward by getting recognition by anti-social behavior. Many teenagers will hold more allegiance to their peer groups than to their parents, and thus the parents' actions will have less influence on changing their behavior.

14. Crime Oriented Sub-Cultures

Many "isolated" pockets of the U. S. especially in the cities, have developed norms which view a person as being an odd-ball if he is law-abiding. From birth onward, these peoples' lives are constantly shaped and influenced by people with attitudes that view stealing, assault, and possibly even murder as acceptable forms of behavior. The most admired people are the skilled law-breakers. In some areas of New York it is just part of life for an eight year old to be approached by a drug peddler two or three times on the way to school. The remarkable thing is that some of these people develop into outstanding and law-abiding citizens.

15. Self-Image

Very few crimes would be committed and there would be very few repeat offenders except for the fact that individuals tend to keep rather constant ideas of what type of person they themselves are. If their image of themselves is that of being "tough and mean and that nobody had better cross them," then this person will tend to have all kinds of run-ins with other people and the law. We all have the opportunity to know people that have straightened themselves out; what has really happened is that these people have changed their self-image in a positive direction.

16. Inadequate Penal Institutions

A major cause of crime in America is that prisons are not rehabilitating their graduates to the point that they cease committing criminal acts. Some even charge that penal institutions turn out more hardened individuals than what they receive. No prison is exempt from this high recidivism rate, therefore it is hard to cast blame because no one appears to have an airtight solution. But as an example, in 1971 the Utah State Prison had 52% of their population of 574 that had been in prison previously.

17. Uncertain Justice

An attitude held by many Americans is that if you are apprehended by the police, your chances are still good that the courts will let you off with a light sentence or no sentence at all. If this attitude is held by a person who is prone to illegal acts, he is more likely to commit this illegal act if he feels that his chances of being punished are remote even if he is caught. In Utah during 1971 there were over 13,000 arrests on felony charges. Of these 131 were sentenced to prison (or in other words, 1% were sent to prison.)

SUMMARY OF TEACHING PROCEDURES

(Section B - Part 2.)

No one cause explains criminal behavior, but it is usually a result of several compounding causes.

METHOD A: Library and Check List

With teacher-led discussion, a checklist similar to the 15 causes of crime should be developed.

The students should go to the library, if you feel that the library is adequate, and research the lives of individual criminals and find out how many of the causes apply to each criminal.

Instead of library research, visiting prisoners in the previous concept could be handed a list of the 15 causes of crime and base their presentations on how many of the checklist apply to them.

MATERIALS NEEDED:

1. Related Materials A, page 57.
2. Check list, Related Materials, page 57.

METHOD B: Fictional Stories

Develop the checklist in class discussion.

Have students use the checklist to write a believable 500 word story on how a fictional person becomes a

1. Related Materials A, page 57.
2. Checklist from Related Materials A, page 57.

criminal offender.

Let the students choose whether they research actual lives of criminals or whether they write the 500 word story, and then compare and contrast the best work from the two types of assignments. This will also take some of the pressure off of the library.

METHOD C: Case Study Story

Read the students the story or have them read it themselves.

Analyze situation according to the checklist and the questions at the end of the story.

1. Related Materials B, page 62.
2. Related Materials A, page 57.

EXPLANATION OF PROCEDURE

Criminal behavior is usually the result of several compounding causes.

In working towards concept, the teacher should help students to realize that contributing factors to criminality are complex and extremely hard to determine for any one individual. The factors that go to make a person a criminal are interwoven and have become such an integral part of the individual that he may not recognize them himself.

METHOD A: Library and Checklist

Students should develop a checklist of the 17 causes of crime (see Related Materials A). Then they should be sent to the library to research as many actual criminals as possible. They should become familiar enough with each criminal case that they can go through the checklist and check off which causes of crime were present in a particular criminal's situation.

A more effective method would be for students to have prior study and knowledge about all of these causes and then have the prisoners from Utah State Prison visit with much of their presentation based on which of the causes listed on the checklist applies to them. Each prisoner will probably list several, which will help students realize part 2. The prisoners will probably be able to give just one presentation to your school. Therefore, the teacher should have all of his students on an excused list to see the prisoners speak in the auditorium. All students should take their checklist with them and keep track of each prisoner's past history by way of the checklist. The prisoners should be given the list which has a description of each item from page 57.

The next time that the students are in class there should be a very lively discussion pertaining to the causes of crime.

METHOD B: Fictional Stories

This method would be similar to Method A which relies on actual criminal's backgrounds. The students should be given the checklist (Related Materials A) and then assigned to make up a believable 500 word story describing the circumstances in which this fictional criminal lived. This forces the student to see how various causes might be interrelated. The teacher could choose those he considers best to be read to the entire class.

Also effective would be to give students a choice of whether to do their checklist exercise on an actual criminal or to develop a fictional story. Then the teacher could have real and fictional situations presented to the class with the class making comparisons and contrasts between the two types.

METHOD C: Case Study Story

A faster method is to read the following story to the class, or ditto off a class set and have the students read it to themselves. After reading this story the students should take the checklist (Related Materials A) of causes of crime and see which ones apply to the person in the story. Another thing to keep in mind is that this example, although taken from an actual case, is, nonetheless, an overdrawn case which may not be typical of your students.

Also, we have been stressing the interrelatedness of the causes of crime, whereas in some cases one of the causes might be so pronounced in a person's life that it might lead him into criminal behavior. It would be good to ask students from some of these examples. Any one of the following causes could, by itself, lead to criminal behavior without being associated with any other causes: poor family relations, alcohol, drugs, feeling unloved and unwanted, self-image, and peer-group influence. For example, a boy from a good home in many cases becomes heavily influenced by the wrong crowd and this can start the process towards criminality. Although, keep in mind, that generally it is the result of several compounding causes that causes criminality to develop.

Related Materials B

Here is the background of a ghetto criminal:

Raymond Foster was born on October 7, 1953. His mother had been a child bride, having married a 26-year old street vendor when she was 14. Raymond lived with his parents and a brother and a sister in a dirty one and a half room tenement, until his alcoholic father drove his mother and children out with a large butcher knife after having beaten them. Raymond was put in a neighborhood institution for the poor when he was three years old. Many nights he would wander the streets hoping to find either his mother or his father.

Eventually, Raymond was taken out of the institution by his father who took him to live with one of his many girlfriends. By the time Raymond was six, he had been taught many "tricks" by his father and his variety of girlfriends. He was already developing extreme skill with a switchblade; and his father used him as a local delivery boy for narcotics. Raymond's father was a drug user as well as a small-time peddler. Several times the girlfriends

attempted to get Raymond to use drugs while his father was away. Once Raymond Raymond's father was put in jail for thoroughly beating up one of his girl-friends when he found out that she was trying to give Raymond drugs to use.

Raymond had severe difficulty with other children his age. When they would not go along with him, he usually ended the relationship by throwing rocks at them. Raymond attended only one year of school by the time he was twelve years old. Because of his severe lack of schooling, his scores on I.Q. tests were around the 76 mark. Other kids referred to him as "Crazy Raymond," which usually caused him to retaliate by fighting. As a result, he had few friends

To make matter worse, when Raymond was twelve, his mother, who had re-married, sent for him. No one was at the bus stop to meet him in Philadelphia, and he became about as upset as he had ever remembered being. Finally his mother was located and he went to live with her in another one-room tenement. Raymond's stepfather was mean to Raymond and allowed no display of affection between him and his mother. For the first time Raymond began receiving savage beatings from his stepfather for no reason at all. Raymond had been hit by his real father but it was always as punishment for his behavior. These beatings were based on a hatred that his stepfather had for him.

Raymond, at 14 years of age, finally found some boys his age whom he could call friends. They all had backgrounds similar to his and they all had been taught to be tough and to hate. Although Raymond did not see it this way; he saw it as a true friendship of trust. The trust was based on the knowledge that no one in the group would hurt any other person in the group. Leadership was based on who was the toughest. Toughness was measured by many standards; who could hold the most liquor; who could talk back most to the cops, who would take the initiative in beating up a robbery victim; who could steal the most merchandise; and finally, who would dare take the most hard drugs.

QUESTIONS:

1. Raymond as a person in his middle teens is already committing criminal acts, what do you feel the future holds in store for him?

2. Could you expect Raymond to be a normal, well-adjusted young man? Is he a victim of his environment?

3. How should a court deal with Raymond? Should it punish him harshly or should they take into consideration the circumstances that caused him to be a criminal and excuse him for his behavior?

4. If someone just loved and cared for Raymond, could this be enough to put him on the right path?

NOTE:

When Raymond was 17, he was part of a gang that attacked three unsuspecting teenage boys. Raymond took someone else's knife and stabbed all three, two of which were fatally wounded. Another member of the gang remarked that no one really noticed Raymond until the stabbings. Up until that time the gang had just tolerated him. He was tried as an adult and convicted of second degree murder. He was sentenced to prison for 30 years.

Related Materials C

CHECKLIST ON CAUSES OF CRIME

Tell whether the following causes of crime apply to the situation of the person that you are researching.

	Name	Name	Name
1. Poverty and Unemployment			
2. Poor Family Relations			
3. Public Tolerance			
4. Alcohol and Drugs			
5. Undermanned Law Enforcement Agencies			
6. Boredom and Thrill-Seeking			
7. Poor Education			
8. Large Population (mass society)			
9. Racial Prejudice			
10. Mass Medias			
11. Affluence (High Standard of Living.)			
12. Rebellion Against Authority			
13. Peer Group Influence			
14. Crime Oriented Sub-Cultures			
15. Self-Image			
16. Inadequate Penal Institutions			

Unit II

C R I M E A N D C R I M I N A L S

APPROACHES TO THE CRIME PROBLEM

(Section C - Part 1.)

OBJECTIVE: The student will list five approaches that would help reduce crime, and justify each based upon conditions of society and individual personality of the potential criminal.

SUMMARY OF TEACHING PROCEDURES

(Section C - Part 1.)

The reduction of crime does not depend on the solution of one problem but on many interrelated problems.

METHOD A:	Teacher Presentation	MATERIALS NEEDED:
	Present the list of approaches to crime solutions.	1. Causes of crime, page 57.
METHOD B:	Class Discussion	
	Ask students what they consider to be approaches to crime solutions.	1. Causes of crime, page 57.
	Have students explain why they think their responses are solutions.	
	Add to student list by using Related Materials A, page 57.	
METHOD C:	Group or Class Discussion	
	Present the list of causes of crime used in Section B, page 57.	1. Approaches to the solution of crime, page 67.
	Ask students to find solutions to these causes.	

EXPLANATION OF PROCEDURE

METHOD A: Teacher Presentation

This method would be the quickest but would not involve the students in the formation of solutions to crime. Using the list of solutions found on page 67 present the material to the class in a handout or lecture, or both.

METHOD B: Class Discussion

After again reminding the students how much crime there is in the United States, ask the students to come up with solutions. The student answers could be discussed as they were brought up or put rapidly on the board and then discussed after the list has been completed. The students should be asked to explain why they feel their solutions would be workable.

METHOD C: Group or Class Discussion

Present the list of causes of crime contained in Section B. Ask the students, individually or in groups, to develop solutions to the listed causes. Using the causes to help develop a list of solutions, should cause the students to think more about what they are saying. A student or the teacher could lead

the class discussion after the solutions have been formulated. After the discussion has been completed and all solutions have been recorded on the board, ask the students to divide the list up according to the following questions. This could be done individually, in groups, or by the class as a whole.

1. Which solutions of crime could be put into effect in the community immediately without difficulty?
2. Which will take long range planning and implementation to put into effect?
3. Which solutions do you feel may never be put into effect?

OTHER IDEAS FOR THE CLASS TO CONSIDER

It is hoped that through discussion of these questions, the class will see that there is no one solution; that solutions are interrelated. EXAMPLE: It will do little good in the long run to hire more policemen if the basic causes of crime such as drugs, poverty, and slums are not dealt with also.

It would not be of much help to guarantee swift, sure trials if they are not fair and just.

It will do little good to build better prisons and staff them with more qualified people if the general attitude of the public is still against the "ex-con" and if employers will not hire him.

It will be of little value to hire more and better policemen if the public will not support them and report crime when it is observed. The police cannot do the job alone.

Which of these solutions could you as an individual help implement right now?

The answers to this question should be stressed because this is the only question that has to do personally with the students right now. The implementation of solutions to most causes of crime are, for the present, out of their control.

APPROACHES TO THE SOLUTION OF CRIME

The following solutions to crime are divided into five areas: the need for improvement in social conditions, courts, police force, prisons, and public attitudes.

This is not a complete list of solutions; nor is the commentary under each heading complete. You may want to add your own ideas.

Under I-B, Strengthen the family unit, the students may want to define what a "strong family unit" would be that would help a person withstand the temptation of crime.

I. Improved Social Conditions

A. Reduce poverty with employment opportunities. To provide for one's own would bring a sense of satisfaction and self pride to many who now

commit crimes because of the frustration of grinding poverty.

B. Strengthen the family unit. A person coming from a "good," strong family has a better chance to develop a strong inner sense of direction that will help him pass up crime.

C. Provide free or inexpensive drugs to addicts. It is estimated that nearly 50% of all crime is committed by addicts needing money to support their habit. Crime would be reduced tremendously if they could obtain drugs from a free or inexpensive source.

D. Provide drug treatment centers. Many people become hooked on drugs on a dare, out of boredom or because of peer pressure. They soon learn this is not where it is all at and desire to be cured. Treatment centers would give them this chance and they could once again become productive citizens.

E. Better education system. The future seems brighter to those who are learning. Their pride in self becomes stronger. Their chance for crime becomes less.

II. Improved Court System

A. Sure, swift trial. Once a person is suspected of wrong-doings, he needs to know that the sword of justice will strike surely and swiftly for him because it has for others in the past. Such a thought for the would-be criminal may be enough to deter him from committing a criminal act.

B. Equal treatment for all law breakers. There seems to be a built in advantage to having money and influence. If the law could treat all equally, many would develop more respect and may even try to uphold and maintain law and order themselves.

III. Improved Police Force

A. More officers. Crime has increased but the number of police officers has not increased in proportion. More officers on the job would let the would-be law breaker know that his chance of getting away would be lessened.

B. Better trained officers. A policeman will meet many varied situations on the job. He will have more control over the situation and gain the respect of the people he serves if he is a professional in his approach and knows what he is doing. Increased public respect for him makes his job easier.

C. Higher pay for policemen. A man who is paid what he feels he is worth is more apt to do a better job. Many policemen are so underpaid it is easy to feel justified in accepting pay-offs and bribes. Such a man is not enforcing the law in the public's best interests. Policemen who have to work part-time jobs to supplement income may not perform their duties as well as if they had some time for their families and for themselves.

D. Equal treatment of apprehended law breakers. If the poor and minorities received the same treatment from police as the average middle and upper class individuals, they would possibly develop more respect for law and policemen.

IV. Improved Prisons

A. Meaningful job training. Some people turn to crime to earn a living. If prison could teach a convict a skill that was meaningful to him, his chances of getting a job and becoming a productive citizen are greater. Also, if job placement after release could bring employment, the high rate of recidivism (return to prison) could be reduced.

B. Help with personal problems. When a person feels at ease with himself, he is more apt to want to get along with others. A more positive self attitude helps the person accept society and its rules.

C. Better qualified guards. Guards need to want to help and work with the prisoners. A well-trained guard, who is respected by the prisoners in his charge, can do a lot to help rehabilitate a convict. Some convicts can transfer their respect for a guard to other people and thereby, develop attitudes that will help him in society.

V. Improved Public Awareness and Cooperation

A. More public respect for law. Children whose parents respect law will develop more respect themselves.

B. Public cooperation and support for police. Policeman cannot be everywhere. People who report criminal actions are helping the police do their job better.

C. Intolerance of white collar crime and shoplifting. The beginning of a career in crime for some individuals starts with stealing from an employer or shoplifting from a store. If the person knew that something would be done if caught, he may not start in the first place.

Unit II

S O C I E T Y A N D C R I M E

DEFINITIONS

(Section C - Part 2.)

OBJECTIVE: Students will pass a written test on the following definitions at fifty percent accuracy or more.

Felony - Felonies are those offenses which are so defined by statute. Major crimes such as murder, manslaughter, grand larceny, kidnapping, robbery, arson, and assault with a deadly weapon are examples of serious crimes which are punishable by death or imprisonment in a state or federal prison.

Misdemeanor - Any crime that is not a felony is a misdemeanor. They are lesser crimes such as reckless driving, simple assault, petty larceny, and

disorderly conduct. Usually punishable by county jail sentences or by a money fine. It usually denotes a misconduct or misbehavior.

TYPES OF CRIME

1. VIOLENT CRIME AGAINST THE PERSON:

They point out that such crimes are often crimes of passion and that people who are involved in these kinds of crimes tend to be similar kinds of people in similar circumstances and that such crimes are the product of provocations and that often the victim is the instigator of the offense. Assault and battery, murder, manslaughter, armed robbery.

2. CRIMES AGAINST PROPERTY:

Crime for gain and not necessarily crime of passion (except in the case of some juvenile vandalism). Examples: arson, burglary, larceny, and shoplifting.

3. OCCUPATIONAL CRIME:

Sometimes called "White Collar" crime but in contemporary literature spilling over from white collar level of such crime to include "Blue Collar" crimes or other crimes committed in the course of pursuit of one's occupation. Example: embezzlement.

4. POLITICAL CRIME:

Consists of crimes enacted by people in the effort to overthrow or change the government as well as crimes committed by political officials in abuse of their governmental authority.

5. PUBLIC ORDER OR VICTIMLESS CRIMES:

A large grouping of crimes which include many offenses for which the society has found little consistency of response or consensus and the control of which has been very weak in terms of law enforcement. Such crimes under this heading would include the drunkenness, many forms of sex deviation, and gambling.

6. ORGANIZED CRIME:

Since the era of prohibition, concern about this type of crime has been steadily increasing, particularly in the United States. Crime investigating committees have concluded that in every major city in the United States, there are elements of organized crime and that such elements can exist only because of the crookedness of elected officials and police officers.

SPECIFIC CRIMES

ARSON - The malicious and intentional burning of property. The property may not be entirely or largely consumed.

ASSAULT AND BATTERY - They differ from murder and manslaughter primarily in that death is not a necessary element. Battery requires a bodily injury,

including an offensive touching even without physical pain, to another human being. Assault, unlike battery, may be committed although no bodily contact results, as where one shoots another, intending bodily injury, but misses. Simple assault and battery are misdemeanors. When use of a deadly weapon or intent to kill or rape or robbery, it is a felony.

BAD CHECKS - They are divided into two parts. No account checks when the check giver has "no account" in the bank on which the check is drawn, and "short checks" when he has an account but with insufficient funds to cover the check.

BURGLARY - Forcible entry into any house, store, or building with intent to commit larceny or felony. The intent does not have to be executed.

CONTEMPT - A willful disregard of the order or process of the court. It is an act which disgraces the dignity of the court.

DISORDERLY CONDUCT - It is conduct offensive to and incompatible with good morals and public descency. It consists of improper language or other conduct which intentionally and without justification disturbs the peace and tranquility of a number of persons.

EMBEZZLEMENT - The wrongful taking by a person the money or other property entrusted to him.

EXTORTICN - Obtaining of property from another with his consent, induced by a wrongful use of force or fear, or under the guise of official right.

FORGERY - The false making or altering of a written item, such as a check or other document, with the intent to defraud.

GAMBLING - An agreement between persons by which they gamble with dice, cards, or by other means.

KIDNAPPING - Occurs when a person is seized and detained or carried away by force or fraud and often with a demand for ransom such as money or property.

LARCENY - The process of unlawfully taking or carrying away of a person's property with the intent to deprive the rightful owner of his property permanently by stealing it. Larceny for crimes over $50 and petty larceny for crimes under $50. The amount of money is set by statute.

LIBEL - A malicious publication expressed in writing or by signs or pictures which tend to blacken the reputation of a person.

MALICIOUS MISCHIEF - The intentional and reckless destruction of another's property.

MANSLAUGHTER - The unlawful killing of another person without malice or forethought, usually occurring through negligence or in the heat of passion.

MURDER - The unlawful killing of another person with malice aforethought.

NARCOTICS - It is a serious crime to manufacture, transport, sell, possess, administer, or use such drugs, except when legally authorized for medical purposes. These habit-forming drugs are basically opium, heroin, morphine, marijuana, and cocaine. Any drug addict is classified as a vagrant.

OBSTRUCTING JUSTICE - It is a crime of interfering with the activities of those who seek justice in a court or of those who have the power or duty of administering justice or enforcing the law.

PERJURY - The willful giving of a false testimony while under oath.

PROSTITUTION - The offering of a body for sexual intercourse for hire.

RAPE - It is divided into two parts: forceable and statuatory. Rape occurs when sexual intercourse by a male with a female other than the wife, without the female's consent. It is accomplished when the woman's resistance is overcome either by force, threat of death or bodily harm, unconscious, pretended wedding ceremonies, intoxicated, drugged, or mentally defective as not to realize what is happening to her. Statuatory rape occurs when the girl is under a certain age. In Utah it is 13 years old.

ROADSIGNS - The malicious removal, destruction or injury to roadsigns is a misdemeanor.

ROBBERY - The felonious taking of personal property in the possession of another from his person or immediate presence, against his will, and is accomplished by means of force or fear.

SABOTAGE - The willful obstruction, destruction or interference with the normal processes of government or industry.

SHOPLIFTING - Goods for sale by merchants which are taken by a person with the intent to steal.

SLANDER - This is similar to libel, except that the defamatory material is spoken rather than written. It is intended to blacken the reputation of the person.

TELEPHONE HARASSMENT - It is unlawful for any person with intent to threaten, frighten, annoy or offend another by anonymously telephoning another, by using obscene, lewd, or profane language, or to disturb the peace and privacy of a person.

THEFT - is larceny.

TRAFFIC LAWS - There are a series of laws developed to insure the easy and safe traffic on public roads, such as: speeding, running red lights, reckless driving, no driver's licence, careless driving, drunken driving, etc. Most traffic violations are misdemeanors.

TRESPASS - Invasion of another person's rights or territory, also to enter unlawfully upon another person's land.

VAGRANCY - Occurs when a person is idle without visible means of support who, although able, refuses to work. Habitual drunkenness and drug addiction are also forms of vagrancy.

VANDALISM - A willful or malicious destruction or defacement of public or private property.

Further information is available in: "Utah Peace Officer's Manual" by Ralph H. Jones, 1970, through the Utah Peace Officers Association.

Unit III

LAW ENFORCEMENT

Section A - Image of Law Enforcement

Section B - Peace Officer

Section C - Public Responsibility

Section D - Agencies and Duties of Law Officers

Part 1. Departmental Organization

Part 2. Duties, Qualifications and Training of Officers

Unit III

L A W E N F O R C E M E N T

PUBLIC IMAGE OF LAW ENFORCEMENT OFFICER

(Section A)

OBJECTIVE: The student shall list six reasons contributing to the public's image of peace officers and discuss the part past experiences or vicarious experiences play in producing an image of the police.

SUMMARY OF TEACHING PROCEDURES

(Section A)

Some of the public bases its image of peace officers on an emotional interpretation of past experience.

METHOD A: Personal Experience		MATERIALS NEEDED:
	Assign the students to write a story about their experience with peace officers. Use the stories as a basis of discussion.	1. Related Materials, page 79.
METHOD B: Class Discussion		
	Discuss with the class and list on the blackboard the component parts of a peace officer's image.	1. Related Materials, page 78.
METHOD C: Stories		
	Read to the students the stories of people observing peace officers. After each story is read, have each student analyze his own feelings. Discuss each situation to establish the public's image.	1. Teacher Resource sheet. 2. Stories in Related Materials, page 79.

Note to Teacher: Use one of the above methods as a prelude to methods D and E.

METHOD D: Stereotyping		
	Show the class pictures of people from various professions and have the students discuss their feelings for the type of person each picture represents.	1. Picture in Related Materials, page 80 . (Doctor, plumber, businessman, peace officer).
METHOD E: Role Playing		
	Assign students to play the roles of the situations in Related Materials D. After each situation, discuss with the students what can be learned about how people view authority (in a more restricted sense--peace officers.)	1. Role playing situations in Related Materials, page 80.

EXPLANATION OF PROCEDURE

METHOD A: Personal Experiences

Have the students tell of an experience with a peace officer. The student should explain how he felt about the experience. Pick which stories best portray the ideas in the Related Materials, page 79. Read the stories to the class and discuss why people feel about peace officers as they do. The stories should remain anonymous as far as the class is concerned. Pick stories that show peace officers in both a good and bad light.

METHOD B: Discussion

Use the Related Materials, page 78 as a guide. Through discussion bring out the basic ideas that make up a peace officer's image. Use the stories in Related Materials, page 79, your own experiences, and student experiences as examples to get over the material in teacher's resource sheet.

METHOD C: Stories

The stories in Related Materials, page 79 should be presented to the class. Each story is designed to show peace officers as they perform their job or in a situation they might be seen in by the public. Present each story as a means to induce class discussion. Ask what questions are necessary to draw out the various ideas in the Related Materials, page 78. Questions should center around what the public would think and what lasting impressions the public would receive about peace officers from each instance.

CAUTION: Each story has an explanation attached why the officer was doing what he was. The purpose of this part of the unit is to define how the public views peace officers and not to explain the actions of peace officers. If it can be avoided, please leave this explanation to Section B of this unit. The authors feel that a clear statement of public attitude at this time would increase the value of later material.

The following methods are meant for further development.

METHOD D: Stereotyping

See Related Materials, page 80, Pictures

The exercise is meant to develop these basic oncepts:

1. That stereotyping depends on the interpreter; and
2. That people assume much about a person's personality according to the manner in which the person dresses.

Show pictures of various representatives' occupations (doctor, soldier, athlete, businessman, etc.). There are a variety of pictures in current magazines. It may be more effective to use an overhead projector. In showing each picture, get the students' impression about the personal characteristics of each man or occupation group. After showing the pictures of the doctor, soldier, athlete, businessman, etc., ask the students why they replied the way they did on the various occupations shown. The replies will most likely be connected with the paraphernalia of their manner of dress. (A picture of a slovenly dressed student might be useful at this time.) Point out to the students that they do tend to pass judgments according to an occupation's

uniform.

As far as procedure goes, present these pictures of various occupation groups first, get the characteristics of these groups, then ask the class how and why they attributed these characteristics to each "uniform" and then to discuss stereotyping. Or develop the concept of stereotyping first, then go to the pictures.

Here are some examples of characteristics that might apply to the stereotyped personalities. (Rely on the class to develop this list.)

Doctor	Athlete
dedicated	strong
knowledgeable	has ability
humanitarian	adventurous
skillful	non-intellectual
wise	attractive

Businessman	Soldier
conformer	brave
interested in well-being of community	reckless
good conversationalist	patriotic
overly interested in money	courageous
hard worker	gallant

Now show a policeman and have the students give replies about the type of personal characteristics which the policeman possesses. By now students should be realizing that the apparel of the policeman conditions the public reaction to the policeman himself. Also, that much of what an object seems to be, whether a uniform, nightstick, boots, helmet, or fully uniformed policeman, depends on the person doing the observing.

METHOD E: Role Playing - Authority Symbols

This activity is designed to show a little of the nature of the authority. Many people serve in various levels of authority - the parent, teacher, policeman, etc. The activity should show:

1. That people have preconceived ideas about the nature and characteristics of authority.
2. That in many situations, no matter what the action of the person in authority is, that action may be wrong. He is often faced with a dilemma.
3. Part of a peace officer's public image is colored by the public's basic distrust of authority.

Related Materials D of this section contains three short role playing situations designed to bring out the basic ideas of the exercise. After each situation is presented, the teacher should quiz the class as to what should have been done, what the consequences of the action taken will be, and what the point of view of the person in authority was. Here are some sample questions to use as a guide for discussion.

1. In a word describe the person's feelings toward the person in authority.
2. How does the authority figure view himself?
3. Is there a natural antagonism toward authority?

Related Materials A

The information contained on this page is meant to give the teacher a list of ideas as to why various people view the peace officers the way they do.

SAMPLE:

1. Many people are unwilling to accept responsibility for wrongdoing. These people often blame their troubles on the person who caught them, on the system, or any other available person.
2. People often tend to see the action of others in a bad light and the actions of themselves in the best possible light. These presumptions are often based on incomplete information.
3. Many people would rather avoid inconvenience, danger, or the unknown. Often the peace officer's job puts him in a position where his presence could represent any of the three above.
4. People tend to stereotype contacts with others from various groups or occupations. A peace officer comes in contact with the public primarily under unpleasant conditions. At these times he represents help, protection, inconvenience, danger, fear or a number of other situations.
5. A peace officer often finds himself in situations where he gives the impression of misusing authority. The public rarely has full information on the why of police action. (See Related Materials B.)
6. To carry out his job, a peace officer must use more force than will be used against him. The use of force always creates stress.
7. A peace officer often is in a situation where he shows a seeming lack of concern for the public.
8. Not all police officers do their duty. Each profession has its misfits. Different people have different ideas on how laws and what laws should be enforced. People tend to generalize improper actions easier than proper actions.
9. Many Americans feel a general distrust for authority and a need to check on its actions. Persons in authority are under suspicion as to their motivations and purposes. This idea is inherent to the nature of democracy and has been built into our system of government.
10. Many people view peace officers as a source of help on protection and someone to go to when in trouble.
11. Police come in contact with some groups more than others. Peace officers tend to generalize experiences. An officer might develop prejudice toward certain groups of people if he finds that they tend to give him trouble. EXAMPLES: "longhairs," minority groups, a certain section of town, etc.

Related Materials B

Examples of situations in which the public may view peace officers. The following situations actually happened although the people who are observing the peace officers are fictional. The second paragraph is information the public did not have. Notice how additional information may change the situation.

1. Bill was driving up Main Street one evening. He stopped for a red light when suddenly a police car went through the light traveling over the speed limit. The car had no lights flashing nor did it have its siren going. He followed the car as long as he could see it. Before the car disappeared, he counted three red lights that the police car had run.

The policeman had just received a call that an armed robbery had taken place. He was on his way to a predetermined position to cut off an escape route. From experience he felt that a red light and siren often cause adverse reactions among drivers and that simply not using these warning devices was safer.

2. George was driving down Broadway when suddenly a police car pulled him over. The officer wrote him a speeding ticket for going five miles an hour over the speed limit.

Hopefully the idea of not accepting guilt or that the crime was not worth the punishment will come out. Many officers have seen the results of excessive speed too often. When a ticket is written, many officers reduce the actual speed they clocked by five miles per hour just to be sure.

3. Mike was running down the street during a gentle rainstorm one evening. Mike was wearing shoulder length hair, a blue parka and blue jeans. Suddenly a police car pulled over and an officer ordered him to stop. By the time the officer got out of the car and walked over to him, another police car had pulled up and framed the two of them in its headlights. Mike was very upset and told the officer so. This was the third time in three days that he had been stopped and questioned.

An armed robbery had taken place twenty minutes earlier. Mike matched the description of one of the suspects. The last few days had been a rash of armed robberies where one of the suspects wore long hair, a blue parka and blue jeans.

4. John was driving down State Street when suddenly his car stopped. He could not pull over because of the traffic, and had to stop in the middle of a busy six lane road. It was night time, the lights on the car would not work and it was raining. In the next fifteen minutes five police cars went by without stopping.

At the time John was having car trouble (in a potentially dangerous place), there were a rash of armed robberies going on in the city. Three armed robberies took place within a hour and ten minutes. The officers were going to assigned positions to check out the suspects.

5. Joan had just got a new job across the street from a restaurant. In the first week she noticed how often police officers came there. One of them stayed from seven to eleven o'clock each evening. He sat in the corner and talked with the other officers who came into eat dinner.

The restaurant had trouble with robberies and rowdy teenagers. The officer in question had been hired by the restaurant for a part time job to come in uniform to stop the trouble they had been having. In many such situations like this, the officers are not on duty but on a part time job. The other officers present were there on lunch breaks.

Related Materials C

Pictures of: (Teacher will furnish)

Plumber or worker	Businessman
Doctor	Policeman

Related Materials D

ROLE PLAYING ON AUTHORITY

Situation 1

TEENAGER: You are a teenager, you have just met a new boy at school that wants to date you. His problem is that he has a bad reputation, no car, and he is broke. Convince your dad that he should loan you his car and some money. Use arguments that are sound and logical and adult.

PARENT: Your teenage daughter wants to date a boy of whom you do not approve. Exercise your authority as a parent.

Situation 2

STUDENT: You are a student. All semester long you have tried to get a good grade in your classes. As the semester ends, your teacher informs you that you missed passing by a single point. You decide to plead your case to get a better grade.

TEACHER: You are a teacher. One of your students has failed by one point. The student comes to you to convince you that he should pass. However, you have set your grade scale and do not want to change it. Exercise your authority as a teacher by telling him that rules are rules.

Situation 3

DRIVER: You just bought a new car and you go out for a drive. You decide to open it up to see how fast you can go. You just get started, maybe five or ten miles over the speed limit when a highway patrolman stops you. Convince the officer not to give you a ticket.

HIGHWAY PATROLMAN: You are a good dedicated law enforcement officer. You observe a young driver exceeding the legal speed limit by five or ten miles per hour. You stop the vehicle to write a ticket. Exercise your authority.

Situation 4

BABYSITTER: You are a responsible babysitter. You are sitting for a six year old and you were told to put her to bed at 7:30. It is now 7:20.

SIX YEAR OLD: You are a six year old. You feel that while mommy and daddy are gone you should be able to do what you want. When they are gone, it is your vacation time from normal rules.

Unit III

L A W E N F O R C E M E N T

THE PEACE OFFICER

(Section B)

OBJECTIVE: Through discussion, role playing, and debate, the student will give evidence that he understands the difficulties facing the policeman.

Difficulties of a Policeman
Cop Criticism
The Human Side of Policeman
Negative Attitude Toward Police
Innocent Acts - The Policeman's Point of View
Policeman and Quick Decisions
Public Non-cooperation
Police Methods

SUMMARY OF TEACHING PROCEDURES

(Section B - Part. 1.)

The student will list a minimum of six difficulties facing the policeman.

METHOD A: Class Discussion

Ask the students to list the difficulties they believe a policeman faces.

List the problems on the board or an overlay.

MATERIALS NEEDED:

1. Related Materials A (The difficulties of being a policeman), page 84.

METHOD B: Group Discussion

Divide the class into groups. Have the groups make a list of problems the policeman faces.

Record the combined lists on the board or an overlay.

1. Related Materials A, page 84.

METHOD C: Tape Presentation

Make a tape from Cop Criticism.

Play tape to the class as a basis of discussion for determining problems facing the policeman.

1. Related Materials A, page 84.
2. Related Materials B (Cop Criticism), page 85.
3. Related Materials C (Pity the Poor Cop), page 86.

SUMMARY OF TEACHING PROCEDURES

(Section B - Part 2.)

Through discussion, role playing, and debate, the student will give evidence that he understands the difficulties facing the policeman.

		MATERIALS NEEDED:
METHOD A:	Class Discussion	
	Read any or all of the stories about policemen. Base the class discussion on the questions following the stories.	1. Related Materials D, (Stories 1-22), pages 87-97.
METHOD B:	Group Discussion	
	Pass out several stories to small groups. Have them discuss why the policeman did what he did. Report ideas to the class.	1. Related Materials D (Stories 1,3,5,7,8,9,10,11,12, 13,14,15,17,18,20), pages 87-96.
METHOD C:	Role Playing	
	Use those stories that apply for role playing to illustrate the problems facing policemen.	1. Related Materials D (Stories 7,8,9,10,11,12,13,14, 15,20), pages 89-96.
METHOD D:	Debate	
	Use those stories that apply as a debate. One side is to support the police action. The other is to criticize it.	1. Related Materials D (Stories 4,7,8,9,10,11,12,13, 14,15,18,19,20), pages 88-96.
METHOD E:	Use any of the above methods to meet teacher and class needs.	1. Related Materials (Stories 1-21), pages 87-96.

EXPLANATION OF PROCEDURE

The policeman faces many difficulties in his job.

METHOD A: Class Discussion

Lead a class discussion to get students to come up with difficulties facing the policeman. This list should be recorded on the board or an overlay. The list of problems on page 84 could be used as a guide.

METHOD B: Group Discussion

Divide the class into small groups. Assign the students the task of developing a list of difficulties facing the law enforcement officer. Their findings could be reported to the class for discussion and recorded on the board. Related material on page 84 could be used as a guide.

METHOD C: Tape Presentation of "Cop" Criticism

Make a tape from the reading on page 85. Use somebody to make the tape who can sound really critical of police. A man with a deep, forceful tone who can put emotion in his voice would be ideal. You can then introduce the "speech" as a talk that was recorded when a "cop hater" in a large city was trying to excite action against the police. After the tape is played, ask the students to comment. Do they agree or disagree with the tape?

The tape is purposely worded to be extra critical of police. It is hoped that because of its extreme criticism that some students will come to the defense of the law enforcement officer. As the students try to defend the policeman, the list of problems facing the police could be developed.

METHOD D: Read the examples to the class as a basis for class discussion. Ask the students the questions that are with each example. All the examples could be used with this method.

METHOD E: Divide the class into groups. Pass out the police situations that apply and ask the groups to discuss why the policeman did what he did. It should not be the intent of the group to criticize the police action but to explain the reason for that action. Those examples considered best for this method are labeled.

METHOD F: Some of the examples could be role played. Choose students who will put feeling into the roles in order to portray the situation. The students should figure out their own dialogue, using the examples only as a basis to guide them in what they say. The objective of this role playing is to put over some of the problems and frustrations a police officer faces in the performance of his duty. Those examples which could be role played are labeled.

METHOD G: Some of the examples could be the basis for debate. Give both sides the same examples. Have one side justify the police action. Have the other side criticize the police action. The side supporting the policeman should really try and understand why the policeman did what he did so this feeling can be conveyed in the debate. They would have to consider what the policeman did; why he may have done it; and the circumstances existing before and during the police action. Wherever possible, this side should point out the pressure on a policeman and the necessity of making quick decisions. The side against the police action should focus on, "The police should not have done that because" giving their reason why they are against the action. This side could focus on the idea that a policeman must always be calm, cool and collected. That if he can not make quick, fair decision, he has no business being a police officer.

Related Materials A

THE DIFFICULTIES OF BEING A POLICEMAN

A police officer's job is difficult. He has pressures exerted on him from many sides. He must serve the public, yet when he stops a speeding citizen, he is criticized for spending his time harassing the public and not catching the hardened criminal.

He must apprehend the lawbreaker and is often criticized because he "violates" the rights of the offender.

He is a human being, but is criticized if he shows his biases or emotions while on the job.

He is charged with law enforcement, but is called names for doing his job.

He has to please the middle class citizen, the lower class citizen, the minority member, the courts and his superiors. He walks a tight line because in many cases it is impossible to please all groups at once. Therefore, the policeman receives criticism from all groups.

LIST OF DIFFICULTIES FACING THE POLICEMAN

1. He must make quick decisions, many times acting under extreme pressure. These decisions must be considered proper and not in violation of the rights of people he is dealing with.

2. The policeman must serve many who dislike him.

3. The public feels he must not show his own personal biases.

4. The policeman feels the courts do not support him. He risks his life to catch a criminal yet the courts let many of these people go on probation or free him on a technicality.

5. He must put his life in danger to do his job.

6. Doing paper work takes up time he would rather spend out doing his job.

7. The public may interfere by crowding around during an accident or robbery.

8. He has to enforce laws which are unpopular with certain segments of the public.

9. He is charged with upholding the law but is sometimes criticized for doing so. (John Q. Public screams, "catch the lawbreaker." But is upset if stopped for speeding.)

10. It is sometimes depressing to deal with the negative side of the people. (He deals with people after a law is broken.)

Related Materials B

COP CRITICISM

Are today's policemen doing their job? Are they even qualified to do their job? I say they are not! Policemen in the average city of America to-

day have failed. Crime rates are on the rise. Policemen do not know how to stop this. They only know how to use brutal force, which angers the people, thus causing crime rates to rise even higher.

When many people see a policeman, they have such hatred for him that they will strike out at him any way they can. These people will not attack him directly because they know other pclicemen would be on the scene in seconds to beat them senseless. But these groups of people hate the police so much they will do anything to make him look bad. They will plan and commit a crime and then laugh as the "fuzz" tries to solve it. In this "round-about-way" many people can get back at the police.

Policemen are so biased and narrow minded, that it would be impossible to train them how to deal effectively with people. Keeping this in mind, along with the fact that their presence angers people into committing crimes, I say we need to reduce the number of policemen on every force.

Only by reducing the number of the police, will the people in the cities and towns feel free to go about their business. They will not feel pressed to get even.

Today's policemen do not have common sense to handle the complex problems of America's population. In most cases, he is a person who is jealous of others around him who are more successful than he is. He is so frustrated that he takes out his anger on anybody who crosses his path. The policeman is brutal because he does not know how to be anything else. He can be brutal because he has the power of the badge. Because he is brutal, people strike out against him and the society that hired him.

I say fire this brutal man. Reduce the cause of why people become angry and commit a crime. Wake up -- reduce this brutal force in blue before it is too late.

Related Materials C

Here is an anonymous poem that illustrates with clarity the way some people view the policeman. Can he ever please everybody?

PITY THE POOR POLICEMAN

If he's neat--he's conceited.
If he's careless--he's a bum.
If he's pleasant--he's a flirt.
If he's brief--he's a grouch.
If he hurries--he overlooks things.
If he takes his time--he's lazy.
If you get arrested--he's had it in for you.
If he's energetic--he's trying to make a record.
If he's deliberate--he's too slow.
If you strike him--he's a coward.
If he strikes you back--he's a bully.
If he outwits you--he's a sneak.
If you outwit him--he's a bonehead.
If he makes an arrest--he's lucky.
If he misses an arrest-he's a sap.
If he doesn't get promoted--ah, what's the use?

Related Materials D

THE HUMAN SIDE OF POLICEMENT

All of the following examples actually happened. Most of them are experienced by members of the Salt Lake City Police Department. The following 22 stories are divided into five topic areas: Use role-playing, debate and discussion in each.

1. The human side of policemen
2. Negative attitudes toward policemen
3. "Innocent Acts"
4. Quick decisions
5. Public Non-cooperative.

Many people feel a policeman is a man without human warmth and feelings; that he enjoys arresting and harassing people; however, a policeman is human and feels the same emotions as anyone else.

Topic 1

Role-Playing

A four year old child was run over by a truck. The investigating officer went to the hospital with the ambulance. When the child was pronounced dead, the officer helped take the child to the hospital morgue. After completing his duties at the hospital, the officer felt he had to go home to see his own child who was the same age as the dead child. He went home. His child was asleep. The officer just sat looking at the peaceful, sleeping child. After sitting there for a half hour he felt he could go back on the job.

Debating

Questions to consider:

1. Why did the policeman go home?
2. Does his going home indicate weakness on the part of the officer?
3. If you were police chief, would you allow your officers to go home like this?

Topic 2

Discussion

One Christmas Eve officers were called into a home, and found the grandfather on the floor in the front room. The officers tried to revive him while they waited for the ambulance, but he was too far gone and was dead before the ambulance arrived. As the officers quit trying to work with the man, they got up and noticed the grandchildren standing there, tears in their eyes, wondering what was wrong with Grandpa. The Christmas tree was lighted in the corner with the presents laid out underneath.

When the officer got home that Christmas morning, he could only think of the look on the faces of those small children as Grandpa was being carried out.

Questions to consider:

1. How do you think the officer felt about his own Christmas because of his experience the night before?
2. Should such an experience make a policeman depressed?

Topic 3

A child, age 4, was walking a friend home just as it was getting dark. The father, a police officer, was anxious for his daughter to return home because it was getting late. He looked out the window and saw her coming. The second time he looked out the window he could not see her but noticed a large "lump" in the middle of the road. He finally realized the "lump" was his daughter putting on her shoe. Immediately he ran out and grabbed his daughter. The wife was preturbed and described her husband's actions as overly harsh with the child.

Role-Playing

Questions to consider:

1. Why do you think the father was so harsh with his daughter?
2. Do you think that the experiences a policeman has on the job influences the way he reacts to his family? Give examples.

Topic 4

Debating

An officer had worked many years in the Salt Lake Traffic Division and had seen many serious accidents involving children and adolescents. All policemen interviewed expressed a great influence from their job on how they handled family situations. Example: "My son wants to buy a motorcycle, but I won't let him because of all the bad motorcycle accidents I have seen. My son thinks I am being mean to him."

Discussion

Questions to consider:

1. Is the policeman father being mean?
2. Should young people who have a policeman for a father be more understanding?

NEGATIVE ATTITUDE TOWARD POLICE

Some people have a negative attitude towards policemen. This can be a result of experience, being influenced by the attitudes of friends, or just a negative attitude toward authority. What ever the cause, it sometimes leads people to make the job of a policeman more difficult.

Topic 5

A large group of kids were gathering after a football game. It had been the policy of the school to try and prevent large crowds from forming after the game. In the past, large crowds of emotionally charged students had usually started several fights in which physical injury had occurred.

As the police were directing the crowd, a group of young students started to harass the officers and call them names. The officers ordered them to disperse but the crowd refused. This went on for several minutes. It became too much for one officer who hit one of the kids who seemed to be leading the verbal attack. The group then begun to disperse.

Role-Playing

Questions to consider:

1. Why did the policeman hit the boy?
2. Should a policeman be expected to remain calm under all circumstances?

Debating

3. Are there times when the orders of a police officer should be disobeyed?

Topic 6

Discussion

A business man was on his way home from the office. It was getting dark and he was anxious to get home in time for dinner. As he was traveling along on the freeway, his car stalled. He turned off to the side, raised his hood and waited for help. Five minutes later he saw a police car coming. He thought that help had arrived. The patrol car did not stop but kept on going.

Questions to consider:

1. What would the businessman think as the police car went by without stopping?
2. Would this experience influence his attitude towards policemen?
3. How can the public be better informed about such experiences?

Topic 7

An elderly man had a heart attack while walking down the sidewalk. When he fell, he cut his nose badly. An officer stopped to aid the man. As the officer was carrying out first aid procedures, a woman came by, not knowing the gentleman suffered from a heart attack. She saw that the policeman was ignoring the badly cut nose and for some odd reason was hitting the man's chest. She thought the policeman was beating the man, so she hit the officer with her purse.

Questions to consider:

1. Why did the woman feel justified in hitting the policeman?
2. Do you feel an unfavorable attitude towards policemen, in general, influenced her actions at this time?

Topic 8

Role-Playing

How kids can develop negative attitudes: An armed robbery had occurred in the center of the city. A description of the get-away car was radioed out to all city police. A car fitting the description of the get-away car was spotted on the west side of the city. Two police cars stopped the car to question the two individuals inside. As the questioning got under way, three neighborhood kids stopped to see what was happening. The police asked the kids to move on. The kids, still curious, got closer to the car. The policemen again asked the kids to move on. The kids still did not leave. They walked down the sidewalk about 20 feet and again came back. The policeman, losing his patience, got extremely angry at the kids and told them to get out of the way. This time, because of the anger of the policeman, the kids went on down the street. The policeman did not know whether the two in the car were the robbers or not. In the event they were the robbers, they would have guns and might start shooting, possibly hurting someone. It was later determined that they had nothing to do with the robbery.

Debating

Questions to consider:

1. How could the policeman's anger affect the attitude of the kids toward policemen?

Discussion

2. Why did the policeman insist the kids leave?
3. Should a policeman be expected to explain the situation to the three boys?

"INNOCENT ACTS," THE POLICEMAN'S POINT OF VIEW

Activities considered harmless by the participants are sometimes stopped by policemen. The policemen have seen the other side of the so-called "innocent act." Can we blame him for calling a halt to the following "harmless acts." Make sure the policeman's point of view is not given to the students until they have discussed the example.

Questions to consider for all examples:

1. Do you think the kids in each example realize why the policeman is stopping them?
2. Could the action of the policeman affect the attitudes of the kids toward the policeman?

Topic 9

Role-Playing

A group of young people are sleighing on a steep street on the east side of Salt Lake City. They are having fun until the police come along and tell them they cannot do it. Sleighing on these streets are against the law. The kids angrily pick up their sleds and go home. "The police are mean and will not let us have any fun."

The Policeman's Point of View:

Such an activity is against the law. But more important, some policemen remember a young boy sleighing underneath a parked car and being decapitated.

Topic 10

Discussion

A snow storm had just passed through the area. A group of young kids aged 13 to 15 were on the side of the street waiting for slow moving cars to come along. They would then up to the back of the car, many times without the driver knowing it and hitch a ride. Sliding down the street was great sport. The kids did not see the police car come along. They were all having such a good time. The policeman stopped and told all the kids that they are not suppose to do that, to get off the street and go home.

The Policeman's Point of View:

There is nothing like experience that can shape one's opinion about something. The kids think it is great sport to hitch a ride over the snow and ice. Experience has shown the officer the other side of this "fun." The officer has had to pull out from underneath cars, the broken, bleeding bodies of kids who were having great "fun."

Topic 11

Debating

Two young people on bicycles were riding down the street. They were seeing how far into the street they could swerve. It was such fun to see how the drivers of cars would turn to miss them.

A policeman noticed what the kids were doing and stopped them. He became angry at the stupidity of the kids. The kids told the officer, "we were only having fun."

The Policeman's Point of View:

Most police officers see many traffic accidents in any given period of time. Not only is the action of the boys stupid, butthe policeman know very well from experience what can happen to the boys or to a swerving automobile.

Topic 12

John likes to stop for a couple of beers after he gets off the late shift. He sees no harm in "unwinding" before going home. One night he is pulled over by the highway patrol as he is going home from the bar. John thinks the officer is unduly harsh with him, after all he only had a couple of beers. He feels that the officer should spend less time harassing the average citizen and more time looking for robbers, muggers and other criminals.

The Policeman's Point of View:

It would do little good for the officer to tell John of the number of accidents he has seen caused by the use of alcohol. This officer just completed his reports on an accident in which a drunk was speeding down the wrong side of the highway without any lights. He smashed head on with another car, killing all five members of one family. The drunk was only slightly hurt. It made the officer sick to have to gather up the pieces of the dead bodies.

POLICEMEN AND QUICK DECISIONS

A policeman must make many quick decisions; often under pressure. He must decide was to do in a matter of seconds. Yet his decisions can affect the safety and well being of those he serves.

Questions to consider for all examples:

1. What was the decision the policeman had to make?
2. Was he under any kind of pressure when the decision had to be made?
3. Do you agree or disagree with the decision the officer made?
4. Can most people make good decisions most of the time when under pressure?

Topic 13

Role-Playing

During the course of patrol duty, a two-man radio patrol car was dispatched to a domestic complaint. Upon arrival, the officers were met at the street by a near hysterical woman who reported that after fighting with her husband, he had locked her out of the house. In talking with the complaintant later, it appeared that the woman was not married to the subject, but was living with him along with their infant child. The woman advised the officers that she wanted her child and clothing so that she could move from the home.

Debating

The officers rang the doorbell, but the man refused admission to them or to the woman stating that they did not have a warrant. The officers, in fear of the infant's safety, rang the bell again and were met with the same response. As the subject tried to slam the door, one officer placed his foot in the doorway blocking it. At this, the subject, a powerful man, opened the

door fully and struck the other officer in the head. Both officers physically pushed the subject into the home where he violently resisted them. One officer struck the subject with his flashlight and they were thus able to place handcuffs on the subject with his arms in front of him. With the subject subdued and one officer sitting on him, the other officer went to the car to call for additional help. The subject overpowered the officer holding him, ran to the bedroom, picked up the infant and stated he was going to kill the child. The other officer at the car, hearing the disturbance, returned and both officers were able to free the child. The child was examined at the hospital and findings showed that the subject had tried to choke the baby.

Discussion

The subject was tried and though his version of the incident varied from that of the witnesses, was convicted of assault and battery and resisting arrest.

Topic 14

There was a head-on collision on state road 106 in Davis county. The accident happened in the early evening hours just before dark. A car traveling north on state road 106 crossed over the center line in the path of a southbound vehicle, a head-on collision occurred. The report of the accident was received by the highway patrol and immediately a trooper was dispatched to the scene.

After the trooper arrived at the accident scene, he found a woman with her ankle dangling by a thin muscle tendon. The ankle was almost completely severed. The trooper immediately directed his attention in administrating first aid to this woman. As the officer was kneeling to assist this accident victim, a hand was laid on his shoulder and the next thing he knew, he was on his back. With much surprise, the trooper turned to encounter the man. This man did not want this officer to render first aid to this woman. The trooper, well knowing that if immediate attention was not given this woman, she could very easily bleed to death. The trooper got up and told the man to get away. This gentleman was well determined to keep the officer away from this woman. The trooper not wanting to waste time, merely pushed the man away into the arms of another trooper who held this fellow from interfering.

Role-Playing

After most of the excitement was over and the woman was on her way to the hospital, the investigation began. Facts were gathered and it turned out that this man was the woman's husband, who was also in the accident.

Many weeks after the accident, when both parties were released from the hospital, this gentleman contacted the trooper and apologized for his actions. The true fact was this man was not aware of what he was doing at the time.

Topic 15

Debating

The Salt Lake City Police were called to a downtown apartment building. When the police arrived, they were met by a man who was bleeding from a head wound. The man said he was going up the stairs to his own room when he was

attacked by a man living next door. The next door neighbor hit him with a ball bat, which knocked him down the stairs.

The assaulted man said he knew his neighbor had several guns--a 30.06 rifle, a .22 rifle, and a 38 automatic pistol. He also said his neighbor claimed to always have them loaded and threatened to shoot him.

Discussion

The police went to the suspect's door and knocked. The man did not come to the door. The police then called the man by name but still no response. The police then heard a noise from inside which sounded like the action of a rifle being locked. The officers started to leave hoping to find another way into the room. The suspect, apparently thinking the officers had left, started to unlock the door. The officers quickly went back to the door. As the suspect opened the door, the police observed that he had a rifle in his hands pointed on a downward angle, but toward the doorway. When the police told the man to "hold it" the man took a step backwards and raised the rifle, pointing it directly at the officers.

At this point, one of the officers drew his gun and fired three times. The suspect was hit in the arm and stomach. When the rifle was checked, it was unloaded. Several days later the suspect died.

The officer was cleared of any wrong doing. An inquest agreed with the officer that his life appeared to be in danger and he had to protect himself.

Topic 16

A policeman observed a man and woman shoplifting. He is unable to stop them until they get into their car. After a short chase, he is able to pull the car over. The driver jumps out yelling and comes toward the officer. His hand is in his pocket. It appears as if he might have a gun. By this time a second officer has arrived and is backing the first officer. The second officer points his gun at the man and tells him to take his hand out of his pocket and to not come any closer. But the man keeps yelling and coming closer. The closer he gets, the more it appears that the man has a gun. The policeman was prepared to shoot the man.

The man did eventually stop and took his hand out of his pocket. It turned out the man had no gun, but how was the officer to know this. The man was threatening the officer's life, as if he did have a gun. Could the officer be blamed that he shot and killed the man? Does he shoot or risk death himself?

PUBLIC NON-COOPERATION

A policeman has the job of enforcing the law. It is impossible for him to do the job without support from the public.

Questions to consider for all examples:

1. Why will some people idly stand by while a policeman is in trouble?

2. How do you think public non-cooperation affects the attitude of the policeman toward the public?

Topic 17

Role-Playing

Two officers were patroling when they noticed a reckless driver. They were able to stop him at an intersection. When the car stopped, the driver, an ex-fighter, jumped out and told the officers they were not going to take him without a fight. The officers were unable to apprehend him because of his fighting skill. A crowd was gathering, but no one was offering any assistance to the police. A kid who was working in a service station across the street finally saw what was going on. He came running across the street and tackled the man. The police were then able to arrest and handcuff him.

Debating

A member of the public did eventually come to the aid of the policeman. But many people just watched for several minutes before someone outside of the immediate crowd did anything. All except one showed no desire to help the policemen.

Topic 18

A police officer was working during his off hours in a department store as a security officer. He observed a female customer shop lifting. As the lady entered her car, the officer attempted to make the arrest. The lady locked the car with herself, the stolen merchandise, and two small children inside. As the policeman was trying to get the lady to come out, three male friends of the lady came over and started shouting at the officer. As the noise increased, crowds gathered. The officer was trying to get the lady out of the car. The children were crying. The three men were shouting and hitting the policeman. The crowd was shouting, adding to the confusion. More policemen came to settle the whole affair.

Discussion

The lady brought suit against the officer, claiming mace and physical cruelty were used to get her out of the car. She said her rights were violated. The policeman beat the case in court.

POLICE METHODS

The policeman usually deals with people who have broken the law. Because he deals with law breakers, he is dealing with people who may use force to get away from him--the policeman. This means that in trying to capture lawbreakers, the policeman must also use force. The following are examples of the force the policeman feels he must use to carry out his job.

Topic 19

Two armed robberies had occurred within a half hour. One of the get-away cars was described as a late model, light colored pick-up with a white canvas over the back. Later, an officer stopped a car fitting that description. This information was radioed to the other officers. By the time the car was pulled over, four police cars had surrounded the pick-up. One officer approached the car while another stood to the rear of the car backing up the first officer. The two fellows in the pick-up were then taken to police cars to be questioned because it was raining.

Role-Playing

All this happened in front of a small ice cream store. People were sitting by the front window watching the whole thing.

As it turned out, the two fellows were innocent and were released.

Questions to consider:

Debating

1. Should the police pick up people fitting the description of the criminal even though there is no proof these people are the guilty ones?
2. What do you feel the people in the ice cream store would think as they saw the policeman surround the car?
3. Do you feel the policeman over reacted? Could they have done it differently?

Topic 20

Discussion

Several rapes had occurred in the northeast side of Salt Lake City. The police chief decided to put a concentration of patrol cars in that area to try and apprehend the rapist. The police had a description of the car used by the rapist and were looking for this car. A car fitting the description came into the area one night. In a distance of a mile, the driver of the car was stopped three times by different police to check out.

Questions to consider:

1. Were the policeman justified in stopping the man?
2. Do you feel the attitude of the man toward policemen may change because of this experience?
3. How else can a suspect be checked out without stopping him?

Topic 21

The police were called to a bar. A girl claimed that a man had taken her car keys. She pointed out the man to the police. The police went to the man and started asking him questions. The man became angry and started to

leave. He told the people he was not going to tell them anything. The police then grabbed him and pushed him against the wall. He was told he was not going to leave until the police could settle the claim of the girl.

The man then decided to cooperate with the police and give his name. Upon questioning the girl further, she said she had not really seen the man take the keys, but thought he did. Without any evidence against the man, he was released.

Role-Playing

The man first refused to cooperate with the police because he had been advised by a lawyer earlier that no policeman had the right to detain him for any reason. This is false because if a person has been accused of a crime, he must stay and answer reasonable questions asked of him by the police.

In this case, the girl claimed the man took her car keys. The police were called, and had to use force to clear the matter. In the end the girl had no support for her claim. Who receives the bad feelings from the man and others watching in the bar: the girl who made the claim or the police for doing their job of finding out if a wrong had been committed?

Questions to consider:

Debating

1. Could the police have kept the man there without force?
2. Can policemen sometimes make a poor decision because of being misled by people?

Topic 22

Many kids were gathering around a liquor store by the University of Utah. It was not known why the kids were there. The manager called the police. One policeman arrived on the scene. Within a few minutes, the crowd became very rowdy and began pushing and hitting the officer. The officer was able to radio for help. Within minutes, 20 other police cars were on the scene with lights flashing and sirens blaring. The kids were so overwhelmed by the number of police, they simply left without any further icident.

Questions to consider:

Discussion

1. Why did the man call the police? Was he justified?
2. Would the kids have become rowdy without the presence of the policeman?

SUMMARY

The words "role-playing," "debating," and "discussion," are put in these topics to remind teachers to use a variety of methods in covering each topic. They have been added with no intent to use or not use that method at that point. They are just special reminders.

Unit III

L A W E N F O R C E M E N T

PUBLIC RESPONSIBILITIES TOWARDS LAW ENFORCEMENT

(Section C)

OBJECTIVE: Through a teacher led discussion the students will make a list of positive public responsibilities towards law enforcement officers in serving the public's best interest.

SUMMARY OF TEACHING PROCEDURES

(Section C)

The main job of a policeman is to serve the public's best interest; therefore, they should have the support of the public.

METHOD A: Teacher Led Discussion

Review with students the stories or descriptions written in this unit.

Lead a discussion with the students about this section.

MATERIALS NEEDED:

1. Review the material in the first three parts of the unit.
2. Partial list of positive public responsibilities. Related Materials A, page 99.

EXPLANATION OF PROCEDURE

The main job of the policeman is to serve the public's best interest; therefore, they should have the support of the public.

METHOD A: Teacher Led Discussion

The teacher should review with the students the stories or descriptions used early in this unit so that the students will have them fresh on their minds.

These illustrations are important to this concept because positive public responsibilities can easily be obtained from them.

The teacher should then lead a discussion with the students and write their responses on the chalkboard. This part of the unit has been designed to draw materials from the rest of this unit. Look at the materials already discussed and see if the class can make a list of positive responsibilities which the public has towards the police. You will need to be cautious in steering their discussion to a positive note. The subject matter may very easily lead the students to negative responses.

Related Materials A

LIST OF POSITIVE PUBLIC RESPONSIBILITIES

1. When a person helps a policeman, it helps strengthen Society because the basis of our Society is the people influencing and running our government. The people must get involved.
2. Get the facts before you make up your mind.
3. A policeman knows the laws and he is a trained observer. The public should learn to use his skills.
4. In Utah there are about 2000 sworn police officers which, based on Utah's population, makes one policeman per 500 people. For this reason, the

public must get involved in order to reduce crime.

5. The public needs to understand that policemen are here to serve the public's best interest.

6. The public must respect law and authority. A good example is when a parent obeys the traffic laws only when a policeman is nearby.

7. The public must learn the law so as not to be ignorant. In this way they are more informed and more helpful to society.

8. The human race is basically curious and loves to follow a police car or fire engine. This causes many problems at scenes of accidents or fires because people get in the way and do not cooperate.

9. If the public learned about police methods and procedures, then many criticisms of police can be eliminated. For example, there are several types of police. A patrol policeman, who is assigned to crimes in the streets and those who are assigned to traffic. A patrol policeman will seldom arrest a traffic violator.

10. Learn to accept guilt and do what they can to correct their behavior.

11. The public needs to help the police initiate programs which will make law enforcement better.

12. The public must learn to be more observant and give correct information to the police so as not to delay time and effectiveness of police operations.

13. The public ought to ask the police for advice on crime prevention.

14. By keeping an eye on your neighbor's property is a good way to help the police.

15. There are many disadvantages of a policeman's job which the public can improve like: low pay, poor image, and support.

Unit III

L A W E N F O R C E M E N T

AGENCIES AND DUTIES OF LAW ENFORCEMENT OFFICERS

(Section D)

OBJECTIVE: Students will list in writing the organizations of law enforcement agencies and their development and the qualifications necessary to become a law officer.

Law Enforcement Agencies

Law Enforcement Organization

Divisions of City Police Departments

Duties and Responsibilities of Law Officers

Qualifications and Training of Law Officers

SUMMARY OF TEACHING PROCEDURES

(Section D - Part 1.)

The organizations of law enforcement agencies are divided into a complex array on a local, state, and national level.

METHOD A:

Ask students what type of Law Enforcement Agencies there are on a local, state, and national level.

Briefly mention the duties and responsibilities of each agency.

Tell students about some of the agencies which they did not list.

MATERIALS NEEDED:

1. List of Related Materials A, page 103.
2. Related Materials C, page 108.

There is a section starting on page 110 that pertains to the qualification and training of law enforcement officers. It can be used to help those students that may be interested in law enforcement as a career.

EXPLANATION OF PROCEDURE

The organization of law enforcement agencies is divided into a complex array on a local, state, and national level.

This concept can best be covered by the teacher asking how many different types of law enforcement agencies there are on a federal, state, and local level, and then letting the students list as many as they can. It is usually best not to make it anymore complicated than this.

As each agency is listed, a brief description of their function should be given either by the students or the teacher. Also, after the students have listed all that they can, the teacher should tell some of the ones that the students have not thought of.

After the list has been fully developed, ask the students how many of these law enforcement agencies existed in 1700. About the only ones that existed were local constables and a few customs officials. Then ask the students why we have so many law enforcement agencies that have been created in the 20th century. Part of this answer refers back to an exercise in Unit I on Human Rights where it was explained that the complexity of laws increases as the complexity of society and the population of the society increases. Also many inventions lead to the creation of law enforcement agencies, such as motor vehicles, narcotics, airplanes, etc.

Related Materials A

LAW ENFORCEMENT AGENCIES

A. Local

1. City Police
2. County Sheriff's Department

B. State

1. State Highway Patrol
2. Department of Motor Vehicles
3. State Bureau of Narcotics
4. State Alcohol Agency
5. Civil Defense
6. State Attorney General's Office
   (enforces many noncriminal state statutes)
7. State Fish and Game - parks and recreation

C. Federal

1. Federal Bureau of Investigation (FBI)
2. Office of Security (passports, visas)
3. Postal Inspectors (inspects misuse of mails, crimes committed through the mails, etc.)
4. Secret Service (guarding government officials, investigating counterfeiting)
5. Bureau of Indian Affairs (law enforcement on reservations)
6. National Park Service (enforces rules and laws in National Parks)
7. Civil Aeronautics Board (licensing of pilots and airlines, regulates laws of airways)
8. Fish and Wildlife Service (game wardens)
9. Bureau of Customs (regulates importing, investigates smuggling)
10. Federal Bureau of Narcotics
11. Internal Revenue Service (investigates income tax violations)
12. Immigration and Naturalization Service
13. Military Police (M.P.'s)

SUMMARY OF TEACHING PROCEDURES

(Section D - Part 2.)

Each police department is subdivided into many separate divisions with all law enforcement officers having specific duties to perform.

METHOD A:

Ask questions listed on next page that help students realize that a police department has different divisions.

Either on chalkboard or with overlay on projector, show the class how a typical police department is organized.

Ask students what specific duties a law enforcement officer has, and this will lead into the teacher describing the multitude of duties.

Either write the duties on the board, or more effectively, have the duties written on overlay sheet and uncover one duty at a time as you discuss it.

MATERIALS NEEDED:

1. Related Materials B, page 106.
2. Overhead projector.
3. Overlay of Police Divisions.
4. Overlay of List of Police Duties, Related Materials C, page 108.

There is an enrichment section beginning on page 110 that pertains to the qualifications and training of law enforcement officers.

EXPLANATION OF PROCEDURE

Each police department is subdivided into many separate divisions with all law enforcement officers having specific duties to perform.

The material in Part 2. is vital in changing student's attitude towards law enforcement officers. Many incorrect attitudes towards the police are formed by the public because of misinformation regarding law enforcement, officer's duties and their job specializations.

The first way to develop Part 2. is to ask questions which will cause students to realize that all policemen do not have the same type of duties. Some of the questions could be along the following lines:

1. Do all policemen have the same responsibilities?
2. What different types of responsibilities and duties do policemen have?

3. Along what lines do police departments divide themselves?

4. Why might a police car not stop a car that commits a traffic violation?

From these questions you can quickly lead into telling students about how most police departments are divided into several divisions.

After this, a discussion can be made of the complexity of a law enforcement officer's duties and responsibilities (see Related Materials C, page 108 From this, students will appreciate more how much skill and training is required of a policeman; that they face a multitude of situations and yet must be prepared to act in a well-defined and prudent manner, no matter how trying the circumstances may be.

Either write the various duties on the board or be prepared to put them on the overhead projector. This listing of duties should be accompanied by a brief description of what these duties might include although many of these are self-explanatory.

Also, the following chart (Related Materials B, page 106) is one for a large city police department. If you come from a smaller town or rural area, all of the duties of each division have to be performed. In some cases, these duties may all be performed by one man. Your students will probably be able to come up with the answers to how your particular police agency is divided up as far as duties and responsibilities are concerned.

POLICE SPEAKER

Arrange to have a member of the local police department come and speak to the class at the end of this unit. Have the students write down questions they want the policeman to answer. The students' questions should be given to the speaker so he can use them as a guide for his presentation. The visit and talk by the policeman can be the highlight of the whole unit if properly prepared.

RIDE-ALONG PROGRAM

Many police departments will accept students in a ride-along program. In this program the student rides in the car with a police officer and observes the procedures and problems of law enforcement.

It may take several weeks to obtain police O.K., and to make up the schedule for the students who will ride with the police. Therefore, make sure you start the program early enough so that by the time you are discussing problems policemen face, you have some students who have already participated in the ride-along program. These students will be able to add greatly to class knowledge and understanding of police problems.

Mayor and City Commission

Chief of Police

Assistant Chief

Lieutenant	Lieutenant	Lieutenant	Lieutenant	Lieutenant	Lieutenant	Lieutenant
VICE	DETECTIVE INVESTIGATION	JUVENILE	CRIME LAB	RECORDS	PATROL	TRAFFIC
Narcotics	Against Persons	Investigation	Prints	Booking	Investigation	Enforcement
Gambling	Against Property	Counseling	Photos	Prints	Rescue	Accident Investigation
Prostitution	Missing Persons	Missing	Search	Photos	K-9	Crossing Guards
Liquor Violations		Juveniles	Identification	Complaints		

Small town law enforcement officers may not be this complex, but they still have all of the duties and responsibilities that are mentioned above.

ORGANIZATION OF A TYPICAL LARGE CITY POLICE DEPARTMENT

DIVISIONS OF A TYPICAL CITY POLICE DEPARTMENT

A. PATROL

The major purpose of this division is the prevention and investigation of felonious crimes, officers from this division, patrol their areas to detect crimes in the making such as burglaries and robberies. They conduct the preliminary investigations on most felony crimes.

B. TRAFFIC

This division's major duty is to facilitate an orderly and safe flow of traffic. As part of this responsibility, is the apprehension of traffic offenders. They also investigate the requirements for vehicles and vehicle operators. They are the chief investigators of traffic accidents.

C. DETECTIVE

This division handles the in-depth investigation of felonious crimes. They usually are the ones who carry out the arrest of persons either suspected or identified as a criminal. The detective division handles much of the case preparation for the prosecution which will be used when and if a person is bound over to trial. Some of the possible crimes they might investigate would be murder, robbery, burglary, assault, larceny, auto theft, child abuse, forgery, etc.

D. VICE

This division investigates crimes relating to sex offenses, gambling, liquor law violations, and narcotics. In many cases it is necessary that some of the law enforcement officers go undercover and conceal their real identity.

E. JUVENILE

This division enforces the codes and statutes as pertains to persons under the age of 18. Many of the infractions that they investigate are juvenile in nature such as runaways, incorrigibility, vandalism, etc.

Related Materials C

DUTIES AND RESPONSIBILITIES OF A LAW ENFORCEMENT OFFICER

Protection of Life and Property

Enforcement of the Law

Patrol and Observation

Prevention and Repression

Attend Public Gatherings

Public Safety Services

Responding to Calls

Advice on Crime Prevention

Protection of Crime Scenes

Collection and Preservation of Evidence

Police and Community Relations

Preparing Reports

Testifying in Court

Traffic Accident Investigation

Preservation of Public Peace

See explanation on the pages that follow.

Related Materials C

DUTIES AND RESPONSIBILITIES OF A LAW ENFORCEMENT OFFICER

Protection of Life and Property

Priority number one for all law enforcement officers is to conduct oneself in a manner that will best promote the preservation of life and property. It may even get to the point that some laws will not be enforced if it has to be done at the expense of endangering property and especially life.

Enforcement of the Law

The most specific and basic duty of a law enforcement officer (and specifically mentioned in his title when not referring to him as a policeman) is to enforce the laws of his jurisdiction. His job is not to make the law nor interpret or question the law, but is to enforce the laws passed by the various legislative authorities. Even if a policeman disagrees with a law, it is his duty to enforce it.

Patrol and Observation

This involves driving through business districts and high crime areas, and involves looking for minute details which may indicate that a crime is occurring.

Prevention and Repression of Unlawful Activity

The law enforcement officer should gather information about the possible commission of a crime and then take steps to prevent this from happening. A law enforcement officer needs to be creative in developing information sources.

Attend Public Gatherings

A law enforcement officer attends parades, rallys, shopping center openings, and other gatherings to make sure the public safety and welfare are protected. Some of these public gatherings may be as a part-time worker hired during his off-hours by a private business to help maintain order.

Public Safety Services

This involves performing any duties that help to promote public safety such as directing traffic, and keeping people from getting too close to fires, or broken gas mains, etc.

Responding to Calls

A major bulk of a policeman's job is taken up in responding to calls that police receive from the public. The type of complaints runs the entire gamut of human imagination.

Advice on Crime Prevention

Private businesses and the public in general receive much advice from law enforcement officials about measures to take in preventing crime. During periods when certain crimes have a major increase is when this duty becomes a major part of a law enforcement officer's job.

Protection of Crime Scenes

It is the duty of the first law enforcement officer to arrive on crime scenes to make sure that no evidence is destroyed and that no harm may come to citizens near the area.

Collection and Preservation of Evidence

This is a duty of a law enforcement officer that takes a great deal of prior training. It involves knowing what can be evidence but also the collection of various types of evidence such as fingerprints, particles of clothing, hair particles, pieces of glass, paint chips, spent bullets and casings, or any other imaginable piece of evidence.

Police and Community Relations

It is the duty of law enforcement officials to cultivate and maintain good communications with the public. This may involve being a guest speaker for various groups, informing the news media of the rationale for police action, and maintaining an above average amount of decorum and composure under trying circumstances.

Preparing Reports

There may be much excitement in the normal routine of a policeman's job, but it is the specific duty of a law enforcement officer to record, in detail, what happens after every call to duty. Any time a policeman acts in an official capacity it is to be recorded on report forms. It may be months or years before the contents of a report may be examined, either by a superior or by a court of law. An incident may last five minutes, but it can take up to one hour to fill out the report. Many police departments have stenographers to relieve the policeman's load by taking dictation. In Los Angeles, 21 separate officials from the mayor on down must be notified when a policeman fires his gun.

Testifying in Court

Law enforcement officers are put in many situations where they witness the commission of a crime or can supply valuable information about criminal activity. This requires most law enforcement officers to be summoned to court on a regular basis. Most all of this court time is during off hours and on days off.

Traffic Accident Investigation

Another duty of a law enforcement officer, which requires a great deal

of skill and training, is traffic accident investigation. The many facets of this duty are hard to imagine by laymen. Many police departments send their traffic accident officers to special traffic study schools such as the one at the University of Michigan.

Preservation of Public Peace

An important duty for a law enforcement officer is to promote peaceful human behavior. Conflict is to be avoided if at all possible, and only the amount of force should be used which will overcome the amount of force used by an offender.

ENRICHMENT SECTION

QUALIFICATIONS AND TRAINING OF A LAW ENFORCEMENT OFFICER

EXPLANATION OF PROCEDURE

OBJECTIVE: This enrichment segment is not absolutely necessary in order to help students get an understanding of law enforcement. But it can prove to be valuable if you agree with the movement going on in education today that schools should give vocational direction to their students. A lot of time does not have to be devoted to this enrichment activity, but it might be enough time that it could give some students some interest in law enforcement as an occupation. Also, by covering this enrichment activity, it will aid in changing students' attitudes toward policemen by more fully understanding the policeman's point of view.

One way to open this enrichment segment would be ask a pointed question, such as: Why would anyone ever want to be a policeman? This type of question will tend to put a few students on the side of the policeman; and they will probably point out several advantages to law enforcement work; such as:

1. It is an exciting job.
2. You will be doing a job where you can help people.
3. It is a job where you are usually on your own without a boss always telling you what to do.
4. There is not an established routine that you follow day after day.
5. You can have an occupation whre you are combating the evil forces of life.
6. You will be a good conversationalist during off duty hours because people are always interested in the job of a policeman.
7. You get to wear an attractive uniform.
8. If you like to drive around a lot, you would enjoy most types of law enforcement work.
9. You get to work with interesting equipment, such as police cars, two-way radios, guns, radar, tear gas, sawed-off shotguns, motorcylces, breathalyzers, etc.
10. Your fellow workers will tend to be of the caliber that you will enjoy to have as friends.

Also, it should be mentioned that there are disadvantages to all jobs, and that law enforcement work is no exception. Have the students list as many as possible. Included on the list might be some of the following:

1. Pay - You will never become independently wealthy if you go into law enforcement work.

2. Image - As a policeman who wears a uniform, some people will automatically dislike you because of a variety of psychological reasons and also because of past experiences.

3. Work Schedule - As a law enforcement officer, you will usually not work hours from eight to five. You may have to work much overtime and also you generally will not have holidays and Saturdays and Sundays off.

4. Danger - This disadvantage is overplayed, but the possibility is always present that a law enforcement officer will come upon a frustrated and rattled offender who panics upon confrontation, whether it be a burglary, robbery, or auto theft.

5. Frustration - Because of the nature of their work, law enforcement officers generally come up against individuals that have a negative attitude and display much antisocial behavior. This may tend to give law enforcement officers a pessimistic attitude towards human beings in general. Also, law enforcement officers may spend weeks or months building up a case to convict a known criminal, only to have it thrown out of court on a technicality.

In covering the qualifications of law enforcement officers, about the only method to use would be to list them on the chalkboard or on the overhead projector and cover them in a brief discussion. The teacher is urged to draw out as many questions or comments as the class might have.

Minimum Requirements for Law Enforcement Work in the State of Utah

1. A citizen of the United States.
2. A minimum age of 21.
3. No criminal record.
4. High school diploma or equivalent.
5. Good moral character.
6. No adverse physical, mental, or emotional condition.
7. Pass an oral interview with the hiring agency.
8. Minimum of 200 hours of training at the Utah Peace Officers' Training Academy.

Note: Many law enforcement agencies in Utah have more strict minimum standards than those mentioned above.

Here is a list of general characteristics and skills that most hiring agencies would be looking for:

Characteristics	Skills
Good Natured	Knows the Law
Intelligent	Trained Observer
Fair Minded	Proficient in Self Defense
Physically Fit	Good Driver
Compassionate	Good Speaker
Honest	Can Write Clearly

Once a person has been hired as a law enforcement officer he then must go to the Peace Officers' Training School to receive 200 hours of indepth training in the various facets of the job. The candidate is not paid while undergoing this training. His own department usually has more training and orientation that is administered after the basic 200 hour program.

Here is a list of the subjects covered in this 200 hour course:

Administration of criminal justice
Arrest techniques
Basic investigation
Citations: mechanics and psychology
Collection, identification, and preservation of evidence
Court organization and procedures
Courtroom demeanor and testifying
Criminal law
Crowd control
Decision making
Defensive tactics
Disaster training
Domestic compalints
Drunk and drunk-driving cases
Firearms, legality and use
First aid
Fraudulent checks
Human relations
Injury and death cases
Interviews and interrogations
Juvenile procedures
Law enforcement ethics
Professionalization
Laws of arrest
Liquor law violations
Mental illness cases
Narcotics and dangerous drugs
Patrol and observation
Police driving tactics
Press relations
Public relations
Raid techniques, stake-outs and surveillance
Report writing
Roadblocks
Rules of evidence
Search and seizure
Traffic accident investigation
Traffic control, laws and enforcement

Unit IV

COURT SYSTEM

Section A - Court Structure and Issues

Part 1. Problems

Part 2. Individual vs. the Accused

Section B - Individual Rights

Part 1. Court Protected Rights

Section C - Adult Court Simulation

Section D - Juvenile Court

Unit IV

C O U R T S Y S T E M

COURT STRUCTURE AND ISSUES

(Section A - Part 1.)

OBJECTIVE: The students will write a brief essay describing the general problems faced by the courts today and suggested solutions to some of these problems.

Through role-playing, students will have a first-hand experience with the judicial system and by either participating as a court person or by being a member of the jury each student will observe the court process.

CONSIDERATIONS

Courts were originally intended to remove the passions and prejudices of the people and create a climate where calm and reason would prevail in rendering just and fair decisions.

The court system in the United States is overburdened because of congestion and outdated procedures.

There is a major controversy in the United States pertaining to whether the rights of the individual and the accused are taking too much precedence over the rights of the community in general.

-Fact sheet on court problems.
-Reforms for court systems.
-Court controversy--two sides.

SUMMARY OF TEACHING PROCEDURES

(Section A)

Courts were originally intended to remove the passions and prejudices of the people and create a climate where calm and reason would prevail in rendering just and fair decisions.

METHOD A: Teacher Led Discussion

Ask questions that will help students understand the purposes for courts being just and fair.

Write student comments on the blackboard about what is fair? What is just?

Discuss the nature of a home where "mom" is easy and "dad" is stern. Which parent is fair? Is it confusing when one parent says yes while the other says no?

Discuss the ideas, separation of powers and impartiality.

MATERIALS NEEDED:

1. See explanation of procedure for suggested questions.

EXPLANATION OF PROCEDURE

Courts were originally tended to remove the passions and prejudices of the people and create a climate where calmness and reason would prevail in rendering just and fair decisions.

METHOD A: Teacher Led Discussion

In this unit, students should understand the basic purposes and objectives of courts. Along with this, students should understand why courts exist. It is hard to develop student involvement activities that help to realize this goal; but basically, the concept can be achieved through teacher-led discussion and by asking a series of questions that get at the basic ideas about courts and by relating the idea of law to the operation of a home. Questions should be asked along these lines.

1. What is the purpose of a court?
2. What purpose does a court fulfill that cannot be accomplished by some other portion of the legal system? (Separation of powers so the same person does not make, enforce, and interpret the law.)
3. If you accidently caused a mishap which resulted in a person's death, would you rather have this person's family make judgment of you, or would you prefer that a "non-involved," impartial court decide about any punishment that might be inflicted? Why would you prefer it this way? Does this help you to understand part of the purpose of the court? What is this purpose?

4. What should a court be trying to determine during its proceedings?

5. Should courts try to get each trial over as quickly as possible? Most basic facts of a case could be reviewed and the judgment handed down in one or two days. Should the courts try to run cases through like this?

SUMMARY OF TEACHING ACTIVITIES

METHOD A: Problems of the Court

Present problems of the court to the class by use of chalkboard, overhead projector, handout sheet, or teacher lecture.

Refer to suggested reforms and ask class the effect these reforms will have and why they need to be implemented.

MATERIALS NEEDED:

1. Related Materials A, page 119"Fact Sheet of Court Problems."
2. Related Materials B, page 121 "Reforms for our Court System."

METHOD B: Role-Playing on Plea Bargaining

This is a condition that exists in our courts whereby judges will accept pleas to lesser charges than actually committed in order to clear the court docket from time-consuming trials.

Have students act as judges, defendents, lawyers in order to establish a role-playing situation. List the crime committed, and get the defendent to plead guilty to a lesser charge. Have the defendant plead not guilty. Carry out the trial. Compare the time it takes to complete each trial. Discuss the fairness and the justness of each one. (See page for complete information on a simulated court experience.)

EXPLANATION OF PROCEDURE

METHOD A: Problems of the Court

In Related Materials A, page 125 there is a fact sheet which brings out some of the problems faced by the courts. Notice those items that help demonstrate the problems faced by the courts. Many of these facts can be generalized to the entire national court system but many are also problems which are more pronounced in the larger cities. These problems could be written on the board, given in a handout sheet, or given in a brief teacher lecture on which the class takes notes. After the problems are given, the class should be asked how some of these court problems might be solved.

Then refer to Related Materials B, page 121 which deals with suggested reforms in the court system. As these reforms are mentioned, you should ask the class how these reforms might help to solve some of the problems of the courts.

METHOD B: Role-Playing on Plea Bargaining

The following enrichment activity may take only ten minutes, but will still demonstrate a major problem in our urban courts. To begin the activity, review with the class those parts of the "Fact Sheet on Court Problems," that deal with court backlogs and congestion. Then ask for four volunteers to play a role-playing situation.

It might be helpful to briefly summarize on the chalkboard each role-player's role as they take their position at the front of the class with the judge sitting at the desk.

You should assign students to play out the following roles:

I. Judge

Objectives:

1. To administer judgments and make sure that justice is served; that the innocent escape punishment and the guilty are convicted.
2. To clear backlog. You now have a case backlog of 15 months. You will look good to your fellow judges and to your superiors if you can make headway in clearing the backlog.
3. Avoid trials. Get all guilty persons to plead guilty in order to avoid time-consuming trials. You can accept pleas to lesser charges in order to avoid trial.

II. Prosecuting Attorney

Objectives:

1. To obtain a conviction. Your sole aim is to take a case from arrest by the police and take it through to a conviction in court. You look good to your peers and to your superiors if you have a high conviction rate.
2. You will accept a lesser plea because it will still give you a conviction.

III. Defense Attorney

Objectives:

1. To have your client judged innocent.
2. If you cannot achieve an innocent verdict, your aim is to minimize the punishment as much as possible.
3. You look good to fellow lawyers and to possible clients in how well you do in the above two aims.

IV. Defendant

Situation:

1. You are guilty of burglary and you know it. You were caught red-handed.
2. You have served 10 months while awaiting trial.

Objective:

To get off with as little additional punishment as possible.

Give each participant a placard which identifies what role they are playing, i.e., Judge, Prosecutor, Defense Attorney, or Defendant.

Now have the judge begin by saying: "Court is now in session for Gothan County. Our first case involves a charge of first degree burglary. Are you ready to enter a plea of guilty or not guilty?"

At this point have the defense attorney and the prosecuting attorney enter into negotiation. The defense attorney knows that the evidence is strong and he will move to get a reduction in the charge, aware of the following penalties which you should write on the board: first degree burglary-five years minimum; second degree burglary-two years minimum and third degree burglary-one year minimum.

At this point the four persons involved should begin negotiations. The judge does not want an innocent man convicted, but will accept a plea to a lesser charge. The negotiations should continue until all four persons involved have come close to realizing their objectives. After it is all over, analyze with the class how close each of the four came to realizing their objectives.

Note: The ten months served in jail can count as part of the sentence served.

After the role-playing is over, you should then ask students questions along the following lines to help bring out the main points:

1. What is the problem demonstrated by the four students?
2. If you were an innocent person who had served ten months in jail, would you be tempted to take an offer of guilty to third degree burglary in that you would only serve two more months?
3. Is justice done when "deals" are made like this?

4. If you were the judge that wanted to clear the court docket (number of cases), would you tend to be hard on a defendant who would not plead guilty to a reduced charge and insists on a time-consuming trial? Is this justice to try and force people to plead guilty?

5. What possible solutions are there to this plea bargaining situation?

Related Materials A

FACT SHEET ON COURT PROBLEMS

1. Most of the cases in the criminal courts consist of what are essentially violations of moral norms or instances of exhibiting annoying behavior, rather than committing a dangerous crime. Almost half of all arrests are on charges of drunkenness, disorderly conduct, vagrancy, gambling, and minor sexual violations.

2. In 1966 Washington D.C., had four judges processing 1,500 felony cases, 7,500 serious misdemeanor cases, 38,000 petty offenses, and 40,000 traffic offenses. Therefore, speed and the number of cases moved is what counts.

3. Quote from the President's Commission on Law Enforcement and the Administration of Justice, p. 128.

> "Whenever the visitor looks at the system, he finds great numbers of defendants being processed by harassed and overworked officials. Police have more cases than they can investigate. Prosecutors walk into courtroons as they try simple cases and take their first look at the files. Defense lawyers appear having had no more than time for hasty conversations with their clients. Judges face long calendars with the certain knowledge that their calendars tomorrow and the next day will be, if anything, longer, and so there is no choice but to dispose of the cases.
>
> Suddenly, it becomes clear that for most defendants in the criminal process, there is scant regard for them as individuals. They are numbers on dockets, faceless ones to be processed and sent on their way. The gap between the theory and the reality is enormous."

4. In at least three states, justices of the peace receive a fee only if they convict a defendant and collect from him. And in some localities, justices of the peace give "kickbacks" to the police who bring them cases.

5. Bail tends to be an ineffective device. The ordinary method defendants use to furnish bail is to pay a fee, commonly from 5 to 10% of the full amount of the bail to a bail bondsman who posts a bond for the full amount with the court. Bail tends to be unfair in that it discriminates against poor defendants. In New York City, 25% of defendants were unable to come up with their $25 that they had to give the bail bondsman as the 5% payment on a $500 bail. Sixty-three percent were unable to pay the $125 to the bondsman on a $2,500 bail.

For some unexplained reason, if bail cannot be made, chances of being convicted and sent to prison are much greater. The following are some statistics:

A. Philadelphia

Out on bail - 525; convicted - 175 (33%); sentenced to prison - 61; could not make bail - 417; convicted - 330; sentenced to prison - 200.

B. New York

54% received suspended sentences if they had been out on bail; 13% received suspended sentences if they had been in jail awaiting trial.

Is a rich person more trustworthy than one without much money? What other factors may cause this fact? Discuss.

6. From 1940 to 1970, personal-injury cases multiplied five times. Petitions from state prisoners seeking federal habeas corpus release increased from 89 to over 12,000--140 times as many. Congress increased the number of judges by 70 percent--while the total of all cases filed in the federal courts nearly doubled.

7. Today, approximately 90% of all accused, will plead guilty, leaving only 10% to be tried. A reduction from 90% to 80% in guilty pleas requires twice as many judges. A reduction to 70% results in a three-fold increase in judges being necessary.

8. The cost of a C-5A jumbo troop airplane is $200 million, yet the cost for the entire federal judicial system in 1971 was $128 million.

9. On a typical day in court in New York's Manhattan division, Judge Irving Lang faces 200 to 300 prisoners a day, and Lang once arraigned 416 persons between 10:00 a.m. and 5:00 p.m.--an average of one a minute. It is difficult to be dignified in a situation like this.

10. Reason for Court Delay.

A. Hard to get all necessary people together at once. All of the following must be present at a trial: Judge, defense, lawyer, prosecution lawyers, defendant, arresting officers, and witnesses. It is difficult many times to have all of the people's time schedules match up to be present. In New York City, a prosecuting attorney may have two or more cases scheduled for the same time.

B. Delay to benefit defendant. In many cases it works to defense's advantage to gain long delays before trial is held. It can help to blunt witnesses memories. In many courts, everytime a trial is delayed, a new judge may be assigned the case. Therefore, some defense lawyers will manuever delays until they come up with the "right" judge. This is referred to as judge shopping.

C. Backlog - Philadelphia

1. There is an enormous backlog including 487 homicide cases. On the average, 160 days are spent in jail before a person's case is tried.

2. There is a 22.1 month delay before a personal injury case reaches trial.

3. In 1970, there were 487 untried homicide cases awaiting trial when

Pennsylvania Supreme Court was forced to step in.

4. New York - The average wait in jail is 114 days before trial, but 40% wait more than a year in jail for their case to be tried.

5. Los Angeles - This city had 42,000 civil and criminal cases awaiting trial.

D. Automobile cases. Seventeen percent of all judge-time in the United States is spent on personal-injury cases arising out of auto accidents according to a survey by the Department of Transportation. The waiting time on some of these cases may be as long as five years in which the wait itself becomes an injustice.

Related Materials B

"REFORMS FOR COURT SYSTEM"

Some of the following reforms are merely suggestions whereas others are in the process of being implemented in parts of our judicial system.

1. Abolish Adversary System

A defendant is encouraged to do battle with society through his complex of encounters with authority and the courts. These hostilities are directed towards the police who caught him, the witness who accused him, the jurors who judged him, and the judge who sentenced him. The hostility may even be directed towards the free public defender who failed to win his case. As it boils down, the defendant feels as if he is pitted against society and that he must beat society through the court system. Having a defense lawyer pledged to get a conviction can result in distortion when "gray areas are made to look either black or white."

In many European countries, defendants are dealt with in consultation with defense and prosecution lawyers and the two sides are not pitted one against the other. Judgments are rendered to deal with the defendant in a manner that is designed for the defendant to come out of it a better person.

2. Court Administrators

There are many good judges that may be rather inept at managing the organization and paper work of a court. Therefore, the 1970's is seeing an introduction of court administrators who are specially trained in business management and systems analysis. These administrators will be generally introduced into the clogged, congested big-city courts and will run the complicated and burdensome daily affairs of the court. This will free the judges to do the job for which they were intended.

3. Remove Victimless Crimes and Civil Law from Court Docket

The criminal courts are used as instruments to punish many crimes which are offenses only against the taste and standards of moral or sexual conduct. Putting drunks, gamblers, addicts and prostitutes through the court process does little to help society or the offenders. Some supporters of court reform feel these minor crimes should be "decriminalized" in order to free police and the judges to concentrate on the crimes in which people or property are affected in adverse manner. Some of these offenders could be treated by other

agencies of the state. Such as drunkenness and addition could be treated as a medical problem whereas drug peddling would still be a criminal problem. Also, much of the civil law jurisdiction, such as bankruptcy, wills, divorce, and a auto insurance litigation, could be handled by non-court agencies. Government referees could handle the provisions in well over 90% of the cases. Also, the single greatest court burden (17% of all judge time), the automobile, could be relived through introduction of no-fault insurance. Under this plan each person's insurance company would pay for the damages incurred by their clients. Only in rare cases would one insurance company sue another where undue negligence and undue suffering are involved.

4. Recognizance

Because bail has been viewed as being unfair and discriminatory towards the poor, in that rich people are not all honest and poor people are not all dishonest, a development of the 1960's which has been quite widespread has been to release accused persons awaiting trial on their own recognizance. When this is done, it means the court feels that the accused is trustworthy and can be counted upon to show up for trial without having to post a money bail. This removes some of the inequities of bail.

5. Improve Efficiency of the Courts

This can partly be accomplished by letting judges more directly control their own court calendar, or by permitting an administrative specialist to do so. No one part of the judicial machinery, including the defense lawyers, should be permitted to create indeterminate delays in the judicial process.

6. Reform Method of Appointing and the Term Served by Judges

Judges should be subject to removal due to criminal behavior, incapacitation, incompetence, etc. There are many knowledgeable, accomplished judges but there are some on the other end of the spectrum with no machinery available for effectively removing them from their important positions of responsibility. The judiciary itself must assume primary responsibility for insuring the integrity and competence of its own performance if a balanced separation of powers is to be maintained. Although the public which the judiciary serves should have some recourse available to use to improve the level of judicial competence.

SUMMARY OF TEACHING ACTIVITIES

(Section A - Part 2.)

There is a major controversy in the United States pertaining to whether the rights of the individual and the accused are taking too much precedence over the rights of the community in general.

METHOD A: Panel Debate

Select volunteers to debate the following proposition:

"Resolved: That the courts of the U.S. give too much protection to the individually accused person at the expense of society in general."

Give participants at least two hours preparation time.

It is optional whether you want students to have access to Related Materials C. You may want students to rely solely on own research.

Sum up debate with questions at the end of Related Materials C.

MATERIALS NEEDED:

1. Related Materials C, page 125 "Court Controversy - Two Sides."

METHOD B: Individual or Group Work on Position Papers

Assign individuals or groups to develop position papers on the court controversy, telling how and why they feel that way.

Optional to present material in Related Materials C to them.

Have best papers read to class, which may develop into a debate.

Ask questions at the end of Related Materials C.

1. Related Materials C, page 125.

METHOD C: Teacher Led Class Discussion

Give lecture on controversial Supreme Court decisions, including Miranda, Escobedo, Mapp, Gideon, etc.

Refer to Related Materials C.

1. Related Materials C, page 125.

Draw out as many student comments as possible.

Optional: Assign students to write position papers on their views.

Ask questions at end of Related Materials C.

EXPLANATION OF PROCEDURE

This section deals with a major controversy in our society, and therefore must be handled with care in order that students do not get a one-sided view. The students should become sensitive to the various viewpoints in an appreciation of the opposing viewpoints. To merely present the material without clarification, might induce the wrong viewpoints. Students should also know much about the present situation in the courts today. There are three ways to handle this subject:

METHOD A: Panel Debate

You can explain to the class that you want volunteers to participate in a panel debate on the subject: "Resolved: that the courts of the U.S. give too much protection to the individually accused person at the expense of society in general."

The panels can have from one to five members each, and you should give each side at least two periods to prepare. They can get their information from parents, the library, other teachers, local police and justice officials, etc. Also, in Related Materials C, page 126 is a listing of quotes both defending and criticizing the position of the courts in our modern society. The major goal of this exercise is to let students appreciate both positions in the controversy. In fact, a good summing up activity to the panel debate is to ask the class the questions found at the end of Related Materials C.

METHOD B: Individual or Group Work on Position Papers

If you feel your students are informed enough about the controversy surrounding court rulings, then you may decide to let students develop a position paper on how and why they feel the way they do about the current court controversy. Related Materials C on the criticisms and defenses of our present court can be given to stimulate thinking. You can either have each student working on his own or can divide the class into groups of three to five whereby a group presents a position paper representing all of the members' points of view. The best position papers representing both sides should be presented to the class. To sum up, ask the questions listed at the end of Related Materials C.

METHOD C: Teacher Led Class Discussion

The best way to use this method is to use it as a follow-up to your coverage on the controversial Supreme Court decisions that are mentioned in an earlier section of this unit. Your task will be to provoke discussion by referring to the controversy developed by the Mirando and Escobedo decision and others. Then refer to Related Materials C, page 128 on the criticisms and

defenses of our modern court system; all the time trying to draw out comments from the class. To sum up, ask the questions at the end of Related Materials C. After your presentation to the class of the main points of the controversy, you could then assign each student to write a position paper on how they feel individually about the controversy.

Related Materials C

"COURT CONTROVERSY--TWO SIDES"

Pro-Court Views

Let us look at and analyze some of these controversial decisions.

1. Gideon v. Wainwright - This decision by the Supreme Court said that there can be no equal justice unless the poor, the ignorant, and the despised are adequately represented by lawyers. If this is not the case, that people needs lawyers then, why do people have lawyers in the first place than to guarantee they will get justice? To deny people lawyers is to deny them justice.

2. Miranda v. Arizona (1966) - This case said that an arrested person must have a lawyer present before and while they are questioned and also informed of their rights to remain silent. The hardened criminals, the educated, and the rich all know they need not answer police questioning, but it is the poor, the ignorant, the inexperienced, and the trusting who are vulnerable to unfair police interrogation. Why deny one segment of our population the legal protection enjoyed by others?

3. Escobedo v. Illinois (1964)- Danny Escobedo was denied access to his lawyer during questioning and was not told of his right to not incriminate himself as given all citizens in the Fifth Amendment. Why shouldn't a citizen be reminded of his constitutional rights? Why should his rights be kept a secret?

4. Mapp v. Ohio - This case was overturned by the Supreme Court because police seized evidence during a search that was incidental to the reason for the search warrant being issued, and this person was convicted due to this new evidence. If this practice was allowed, police just might start making blanket searches of people's homes to see if any incriminating evidence can be seized relating to any offense. It is a much greater protection to all when police must have proven justification about a specific crime before any search can be made.

5. Gault v. Arizona - This case involves a teenager who was arrested and convicted in a juvenile court of making obscene telephone calls. Here is a brief but not all inclusive view of what happend to Gault. Many of these procedures were struck down by the Supreme Court when his case was reviewed by that high judicial body.

   a. The police entered the Gault trailer house without a search warrant.

   b. Gault was not told of the charges against him.

   c. For a long period, the Gault parents and lawyer were denied access to see the Gault youth.

   d. Gault was not informed of his constitutional rights.

e. Gault was not confronted by any witnesses.

f. Gault received a sentence of about six years that would have been a maximum of six months if committed by an adult.

All of these Supreme Court decisions and others, have forced the police to do their jobs better. Instead of snooping on a telephone line, or trying to force a confession from a person ignorant of their rights, or maneuvering to keep a client and his lawyer separate, a police officer must be performing his duties to collect solid evidence. The Court decisions have merely forced the policeman to do a basic and thorough job of police work.

The following quotes can be used to help defend the courts' position in the controversy over whether individual rights are taking precedence over the rights of society.

"The law is reason free from passions."
Aristotle

"No nation on earth goes to such lengths or takes such pains to provide safeguards as we do, once an accused person is called before the bar of justice and until his case is completed."
Warren E. Burger

"This society has its checks built into its judicial system, and they, rather than the fevers that sweep through the system from time to time, are the basis of our hope for a descent standard of justice."
Detroit Free Press, Editorial

The Supreme Court rulings help to guarantee the sanctity and worth of the individual in the following ways:

1. Protects the inner life of individual citizens.
2. Protects the people against arbitrary or tyrannical acts of the civil government regardless of the situation in that the Bill of Rights stands as a permanent bulwark against the arbitrary encroachments of government.

These court rulings continually remind us and also our government that governmental power is not unlimited. So long as limited government continues to exist despotic totalitarianism will be avoided. The Bill of Right and What it Means Today, Edward Dumbauld, University of Oklahoma Press, Norman, Oklahoma, 1957 pny.

"Inefficiency and delays in trials was the cause for dropping a prosecution seven times more often than the failure to properly arrest and arraign the accused as required by the Supreme Court rulings (as pertains to Washington D.C.)."
Ramsey Clark

"The truth is that the courts and primarily the United States Supreme Court have done more to right wrong, to perfect the system, to speed the process, and to bring equal justice than the legislative and executive branches combined."
Ramsey Clark

"The cumulative record of these trials certainly suggests to us that if the legal system as a whole in any way departs from strict neutrality, it is in in the direction not of oppressing ... but of bending over backwards to protect rights."

Wall Street Journal Editorial

"The fact that the court system usually does work in the face of public unrest, provocation, and prejudice, speaks well for the system."

Milwaukee Journal Editorial

Anti-Court Views

"The whole court proceeding has come to be directed to how the police conducted themselves rather than whether the defendant committed the crime for which he is charged."

District Attorney Michael F. Dillon
Erie County, New York

Federal Judge George L. Hart addressing a 41 year old man on trial for muder who was not warned of his rights to remain silent:

"On three separate occasions this man voluntarily confessed foully killing his wife and throwing her body on a dump like a piece of garbage. He led the police there. Yet the United States Court of Appeals has seen fit to throw the confessions out. Though it makes me physically ill, I must direct a verdict of acquittal. I feel I'm presiding not over a search for truth but over an impossible farce. We know the man is guilty, but we sit here blind, deaf, and dumb, and we cannot admit what we know. Tonight felons can sleep better."

"Some day members of the Supreme Court will engage themselves in the practical problems of life in a modern urban society and deal with the realities rather than theories that place individual rights far above the community."

Judge Angelo J. Gagliardo

"The court has become absolutist. It is pursuing defensible doctrines beyond the realm of rationality and common sense."

Erwin Griswald
Dean of Harvard Law School

"The judges have left the public behind, and even among judges the margin of consensus have been passed."

Nicholas Katzenbach
Former Attorney General

"There is an unfortunate trend of judicial decisions which stretch and strain to give the guilty not the same but vastly more protection than the law-abiding citizen."

Warren Burger
Stated when he was a federal judge

"If he is innocent, the most illegal search in the world will not produce evidence to convict him."

Jon O. Newman
U.S. Attorney, District of Connecticut

"It would be grand if the officer could play Sherlock Holmes and contemplate all aspects of a case for hours on end. But he has fifteen cases, and in the real world, many of them simply cannot be solved without questioning."

Quinn Tamm, Executive Director
International Assoc. of Chiefs of Police

"No human institution is perfect, and we cannot require from a prosecutorial apparatus a level of perfection not formed anywhere else in human affairs. 'Ideal' is by definition unobtainable. The true function of a court is to find out where the truth lies."

William Siegel
Brooklyn Prosecutor

"Nice People have some rights too!"

Judge Wilbur K. Miller
Federal Appeals

"Even if the policeman fails to observe the new rules, should the policeman's error always benfit the accused? Is it always necessary that the criminal is to go free because the policeman has blundered?"

Benjamin Cardozo, Federal Judge

"There are some crimes so terrible that you can't expect either the police or the press to observe the normal rules."

Mark DeWolfe Howe

"The Warren Court has very much handcuffed the police. You cannot interrogate a suspect because at first contact you tell him to remain quiet. Plus, there is so much evidence that cannot be used because of Supreme Court rulings."

Ed Davis, Chief of Police
Los Angeles

SUMMING UP QUESTIONS

1. Why is there a controversy over the role of the courts?
2. What reasons do the courts have for handing down the decisions that have caused the controversy?
3. Why do the law enforcement officials sometimes feel frustrated and antagonistic towards a few of the court rulings?
4. What could develop in this country if these court-enforced guarantees were ignored by law enforcement officials?
5. Describe a circumstance which you imagine could happen with these protections being ignored.
6. Analyze case by case whether you feel the following Supreme Court decisions should be reversed: 1) Giden v. Wainwright; 2) Miranda v. Arizona; 3) 3) Escobedo v. Illinois; 4) Gault v. Arizona; 5) Mapp v. Ohio.

Unit IV

C O U R T S Y S T E M

THE COURT AND INDIVIDUAL RIGHTS

(Section B)

OBJECTIVE: The student will list three court decisions that protect individual rights.

SUMMARY OF TEACHING PROCEDURES

(Section B)

The court system has made many decisions which protect individual rights.

METHOD A: Lecture Discussion

Present the court cases to the class.

Discuss the rights these cases guarantee.

MATERIALS NEEDED:

1. Related Materials (Supreme court cases), pages 131-35.

METHOD B: Reading and Discussion

Hand out the court cases for the students to read. You may also want them to read Constitution and Criminal Proceedings.

Hand out the story about John. Have the students, either individually or in groups, pick out the instances in which policemen could violate John's rights.

Discuss how the proceeding court cases could protect John's rights.

1. Related Materials, pages 131-35.
2. Court Case One, page 131.

EXPLANATION OF PROCEDURE

The Court system has made many decisions which protect individual rights.

METHOD A: Lecture Discussion

The teacher could present a lecture based on the summary of the four court cases. The students should be assigned to look for the rights these decisions protect. After the presentation of the cases, discuss those rights protected. Ask the students to think in terms of their rights as juveniles if they were picked up by the police.

METHOD B: Reading and Discussion

Hand out the court cases for the students to read. You may also want to hand out the Constitution and Criminal Proceedings, page 135. After the students have read the court cases, discuss in a very general way the rights they protect. Next hand out the story about John. Ask the students to find areas in the story in which it would be possible for policemen to violate his rights. The court cases they have read should give them a clue as to what possible rights violations would be in the story. After a list of possible rights violations have been recorded, refer back to the court cases to see how many of these violations should be prevented by observance to court decisions. It is possible

violations should be prevented by observance to court decisions. It is possible that the students will have come up with more possible rights violations than the court decisions cover and that our courts are continuously making decisions to protect the individual. There are also many more court decisions that are geared to protect the rights of individuals. Include some other cases.

This story is not intended to show the police violating the rights of John, but is merely a brief example of a person committing a crime and his relationship with the police for a short period.

The students, after having read the court cases, should be able to find possible areas where a policeman might violate John's rights. The teacher should challenge the students to find these possibilities.

COURT CASE ONE

John

John was only 15 yet he has successfully burglarized 17 stores in the area over the past 5 months. If he made it tonight, this would number 18. He was so busy thinking of the money he would get for the records and tapes that he did not notice the boxes stacked by the door. As he opened the door, he knocked the stack over. The boxes were filled with bottles and cans and spilled all over when they hit the floor. The noise scared John so much that he ran through the door dropping his bag of loot. As he ran, a police car turned into the alley. John thought he was trapped until he saw a broken door in one of the buildings. He was able to get through the door and out into the street in plenty of time to escape from the police. The further he got from the store and alley, the better he felt because he was sure he had made a clean get away.

When John got home, it was 4:30 a.m. He would have to be very quiet so as not to wake up his parents. It went through John's mind that he would have to come up with a better answer to explain where he was getting so much money lately. His parents were beginning to ask too many questions when he said he was helping his friends with their studies for money.

John was able to get into the house without awakening his parents. As he was getting into bed, it finally dawned on him how stupid he was. The bag he dropped at the store was the one given to him for his last birthday. His mother had written his name on the inside. As this horrible thought came into his mind, he heard a knock at the front door. He waited until his father went to the door before he got up. When he came into the front room, he saw his bag beside the officer.

He felt he could get out of this if he could convince the officer and his parents that he had loaned his bag to a friend and somebody had stolen it from him. But to convince them of that, he would have to make sure nobody would find the big box under his bed. It contained stolen merchandise which he had not sold yet.

The officer started to question John as to his whereabouts a couple of hours ago. John felt he did a good convincing job in explaining that he had been in bed all night and that earlier somebody had stolen his bag. Yes, his parents agreed that he had been in the house all night although they had not known that his bag had been stolen.

As the officer was writing down the last of the information, John's sister, age 7, came into the room. Her parents told her to go back to bed. Just as she was leaving she asked John why he came home so late last night and why he did not come in the front door instead of the window of his bedroom. She had gotten up to get a drink of water when she heard John come in.

John knew he could not explain. But he was only going to confess the one job tonight. They were not going to pin those other jobs on him. He had to make sure they did not search his room.

The officer said he fit the description of the suspect who had been burglarizing the area, but John said he did not know what he was talking about.

The officer took John to the car. By this time another police car had arrived with two policemen. John was put into the second car. The officers talked about how they ought to take John to the station for questioning; that given enough time they could make this kid talk and confess the other burglaries.

For a moment John thought he was going to the stationhouse for questioning, but he was taken to the Detention Home for Juveniles because of his age. It was now 7:00 a.m. He was told that it would be two hours before the judge would hold a hearing on his case.

When he went before the judge, his parents were there with him. The judge found that there was enough evidence to hold the boy for trial. He was then sent back to the Detention Home.

As the trial date neared, he was told that he would not have a jury trial. But that the judge would determine his guilt or innocence according to the evidence.

Possible Rights Violations

1. John might not be told he has the right to remain silent and not answer the questions of the police.
2. The police may strongly suspect that John has stolen merchandise in the house and want to search the home without a warrant.
3. The policeman may not tell him he has a right to a lawyer when he is arrested.
4. The police may question him for a long period of time and not bring him before a judge within a reasonable amount of time.

Note to Teacher: In the State of Utah the Juvenile judge has the right to detain the young person in the Detention Center if the judge feels the person is dangerous to himself or others.

Some young people may feel this is a violation of individual rights but the judge does have this right by law.

COURT CASE TWO

Miranda vs. Arizona (1966)

(Must be warned of right to remain silent and right to counsel)

Ernest Miranda was arrested and charged with kidnapping and rape. He was identified by the complaining witness. He was taken into the interrogation room for questioning. He was not advised of his right to an attorney. Two hours later, the officers had obtained a written confession signed by Miranda. At the top of the statement was a typed paragraph stating that the confession was made voluntarily, without threats or promises of immunity and "with full knowledge of my legal right, understanding any statement I make may be used against me."

Miranda was convicted by a trial court and the decision was upheld by the Arizona Supreme Court. But the conviction was overturned by the United States Supreme Court by a five to four vote. In this decision, the Court wanted to amplify what was begun in Escobedo. Thus, before a statement by a defendant in police custody can be admitted in evidence, the following procedural conditions must be met:

1. The defendant must have been warned at the beginning of the trial that he has the right to counsel.
2. If indigent, the defendant must be assured that the public will provide him with counsel.
3. The defendant must be appraised of his right to remain silent and if he indicates in any manner at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease.
4. If the defendant does make a statement, he must be warned that anything he says can and will be used against him.
5. Before a waiver of a defendant's rights will be held valid on an interrogation conducted in the absence of an attorney, a heavy burden rests on the government to demonstrate that the defendant cannot knowingly and intelligently waive his privilege against self-incrimination and the right to retain or appoint counsel.

The law says, a policeman does not have to read a person's rights to him until the arrest has been made. A policeman can stop a person and ask general questions such as, what is your name, where do you live, where are you going, what are you doing here, without reading him his rights. Once the arrest has been made and before questioning about the crime for which the arrest is made, the policeman must advise the person of his rights.

COURT CASE THREE

Mapp vs. Ohio (1961)

(Evidence obtained by unconstitutional search and seizure cannot be introduced against the accused.)

Police arrived at Dollree Mapp's house. They had information that a person wanted for a recent bombing was there. The police also believed that

gambling information was hidden there.

Miss Mapp, upon the advice of her lawyer, refused to admit the police. Three hours later more policemen arrived at which time they forced themselves into the house. It was doubtful that the policemen had a search warrant. (It was never produced in court.)

The police proceeded to search the home for the gambling information and the person they believed to be hiding there. Neither gambling information or the person could be found. But the police continued the search. They eventually found some obscene material in the basement. This was taken as evidence to convict Miss Mapp for possession of obscene materials.

The Ohio Supreme Court upheld the conviction. The United States Supreme Court overturned the conviction. The Court based its decision on the Fourth Amendment, which says:

> "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall be not violated, and no warrants shall be issued but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

If evidence is obtained outside this constitutional guideline, it cannot be used as evidence against an accused person.

COURT CASE FOUR

Gideon vs. Wainwright

(The state shall appoint a lawyer to those who cannot afford one.)

Gideon had been charged, convicted, and sentenced to a five year term "for having broken and entered a poolroom with intent to commit a misdemeanor." (Panama City, Florida)

His request for counsel had been turned down by the trial court which informed him that according to state law it was not bound to do so in such cases.

The Florida Supreme Court refused to overturn Gideon's conviction. The court did not feel that the trial court's refusal to appoint counsel for him was a denial of his rights guaranteed by the Constitution.

Gideon's case was taken to the United States Supreme Court. The Court decided "any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to be an obvious truth."

The Immediate Results of Gideon vs. Wainwright

The Supreme Court reversed lower court decisions or demanded a retrial in 43 cases from 12 states in which the state did not provide counsel to those who could not afford it.

The Florida director of prisons indicated that within a few months of Gideon, about 1,000 prisoners were released from the state penitentiary because prosecutors would not retry them under the new rule. Of another group of over 300 prisoners who did receive a retrial, most had their sentences reduced; 12 received longer sentences and 75 inmates found their terms reaffirmed.

THE CONSTITUTION AND CRIMINAL PROCEEDINGS

The Constitution of the United States

AMENDMENT IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

AMENDMENT V. No person shall be held to answer for a capital, or other wise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice out in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of lie, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district shall have been previously ascertained by law, and to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

AMENDMENT VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT XIV. Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SIMULATED COURT EXPERIENCE

(Section C)

OBJECTIVE: The student shall experience a simulated court.*

SUMMARY OF TEACHING PROCEDURES

A. Students create a trail story.

B. Cast the students in roles.

C. Students should be given an opportunity to prepare for their assigned roles.

D. The teacher briefs the jury and court personnel.

E. The trial.

F. Possible field trip.

EXPLANATION OF PROCEDURE

The Trial Story

Have the students in the class create the trial story (the story the defendant told the police when arrested.). Brainstorm with the whole class for ideas, then evaluate the ideas and choose the best to use for the story. Start with:

1. The crime.
2. Where committed? (Have it in another part of the country, so that the building credible cases will require some research.)
3. When committed?
4. Why was the accused arrested and charged?
5. What was the defendant's version of what happened? (See Related Materials A, page 140 and B page 141 for sample of a defendant's story--"The Ann Stone Trial.")

A committee of volunteers writes up the defendant's story. When the defendant's story has been established, everyone connected with the trial starts with that story. It may be true or untrue. The Defense says it is true. It will be up to the opposing attorneys to convince the jury one way or the other.

Preparation for the Trial (See second following page for time schedule.)

A. Read the finished defendant's story to the class.

---

*This exercise was used with the permission of Mrs. Bernice Spencer, Teacher, Cyprus High School.

B. Cast everyone in the class as characters in the story, as court personnel, as members of the newspaper or radio news staff, or as jury by the following procedure:

1. Have on the board, or duplicated on a hand-out, a list of the trial roles available for casting. (See Trial Cast Sheet on next page.)
2. Have each student hand in a slip listing his first, second, and third choices of roles he wishes to play in the trial.
3. The teacher casts the class members according to their choices. (Cast a jury of 3 or 5 from those registering for judges and attorneys.)

C. Preparation Time

1. Prosecution and Defense Attorneys work up their cases with their witnesses.
2. News staffs gather, write and illustrate stories for the first issue of the newspaper and the first radio news broadcast.
3. The teacher briefs the court personnel on their duties and functions, then leaves them to work out the details (penalties for contempt of court, etc.). Real court procedure must be adapted to the time limits, etc., of the classroom situation.
4. The teacher briefs the jury on their duties. They are to keep notes of the testimony of each witness for use in their later deliberations. (The testimonies can also be taped by a student technician called the Court Reporter.)

<u>The Trial</u> (See the second following page for Time Schedule.)

A. Prosecution case
B. Defense case
C. Prosecution reopens for one day (after having heard the Defense case).
D. Defense reopens for one day (last rebuttal).
E. Attorneys sum up cases.
F. Jury deliberates (after school or night).
G. Verdict is announced.
H. Post-mortem session with attorneys, jury, and judges (after school or at night).

TRIAL CAST

COURT PERSONNEL:

Judges (2) They alternate day by day. One day one presides while the other is associate judge. The next day their positions are reversed.

Prosecuting Attorneys (2)

Defense Attorneys (2)

Clerk of the Court - Swears in witnesses; times the questioning of witnesses; takes charge of and marks pieces of evidence presented by both sides.

Bailiff - Helps the Judge keep order in the court; sets up furniture, etc., for the court at the start of the session each day.

CAST OF CHARACTERS: (Based on the story the class works out. The following cast was based on "The Ann Stone Trial.")

Prosecution Witnesses

Mrs. Amanda Falkner
Shirley Falkner
Marilyn North
Police Inspector
Coroner
Other Witnesses

Defense Witnesses

Ann Stone (Defendant)
Dick Hudson
Private Detectives (2)
Other Witnesses

NEWSPAPER STAFF:

Editor
Reporters
Photographers (and/or Staff Artists)

The expense of taking and developing pictures must be born by the photographer who, of course, keeps the negatives. Or, if the photographer prefers, he may be a staff artist who sketches the pictures.

Printers

Typists who type up one copy of the newspaper after the Editor has o.k.'d the stories, selected the pictures, and decided on the lay-out for the paper. NOTE: One copy of the newspaper is published each week (3 papers in all), and is posted--complete with snapshots and/or drawn pictures attached--on the Bulletin Board.

RADIO NEWS STAFF:

News Commentators (2) - Will write and tape a 5 minute news broadcast each week for the class presentation.

Radio Technician

NOTE: Do not sign up for the Jury. Jurors will be chosen from those signing up for Judges and Attorneys.

TIME SCHEDULE

(Total Time - 3 Weeks)

PREPARATION

Creation of defendant's story by the class . . . . . 2 days
Reading of final draft of story and registration for parts . . . . . 1 day
Announcement of parts to be played, preparation of cases, organization of news staffs, and instruction of court officials and jury . . . . . 2 days

PROSECUTION PRESENTS CASE . . . . . 3 days

Direct examination of witness by own attorney. . . . . 5 min.
Cross examination of same witness. . . . . 3 min.
Re-examination of own witness. . . . . 2 min.
Re-cross examination . . . . . 2 min.

(Attorneys must plan so that they can get all their witnesses on the stand and all evidence presented within three days.)

DEFENSE PRESENTS CASE . . . . . 3 days

(Same rules and timing as stated above for the Prosecution.)

RE-OPENING - PROSECUTION. . . . . 1 day

(Can issue summons a day ahead for defense witnesses to appear.)

RE-OPENING - DEFENSE. . . . . 1 day

(Can issue summons a day ahead for prosecution witnesses to appear.)

SUMMING UP CASES - BOTH SIDES . . . . . 1 day

(All four attorneys should make summing up speeches - no time limit.)

JURY DELIBERATION . . . . . (Overnight)

JURY'S VERDICT. . . . . .15 min.

POST-MORTEM SESSION . . . . . (After school)
(Attorneys, judges, and jury)

GROUND FOR OBJECTIONS

1. Irrelevant - Not directly connected with the case.
2. Hearsay - A witness cannot testify to what he, himself, has not seen, heard, etc.
3. Not expert - If a witness is not an expert on a technical point, he cannot give an expert opinion.

4. Calls for a conclusion of the witness - A witness should give only facts, not his opinion of those facts, or what he thought or guessed.
5. Leading question - Attorney telling the witness how to answer a question by the way he asks the question.
6. Privileged communication - The following cannot be forced to testify: husband or wife against each other; doctor, lawyer, or priest who has received confidential information.
7. Immaturity - Witness is mentally deficient or a child younger than 6 years.
8. Misquoting - Not quoting correctly testimony already given.

PRESENTING EVIDENCE

An attorney gives the evidence to the clerk, who takes it to the judge, who examines it and, if o.k., admits it. Clerk then marks it. If opposing attorneys object to the evidence, the judge hears their objections and the explanations of the submitting attorneys quietly at his desk, then decides whether or not to admit it. NOTE: Since all this evidence is manufactured, the judge will admit it if it is carefully done.

Recesses - Each side may ask the judge for not more than two one or two minute recesses each day.

SUGGESTED TESTING PROCEDURE

REVIEW OF COURT TRIAL

1. Give five reasons why you agree or disagree with the verdict.
2. Give five of the strongest points brought out in favor of each side.
3. What witness did you believe did the best job of testifying? For what reasons?
4. Which attorney was the most convincing? Why?
5. Which attorney did the best job of summing up his case? Why?
6. What piece of evidence was the most useful to the prosecution? Why?
7. What piece of evidence was most useful to the defense? Why?
8. What suggestions can you make for improving a class trial like this one?

FIELD TRIP

Visit to an actual court session to watch a civil trial in progress.

1. The students are told ahead of time what to watch for and on what they will be tested after the trip.
2. The field trip is taken on one forenoon when special arrangements have been made with the presiding judge for the students to visit his court. If all the students cannot be seated in one courtroom, arrangements need to be

made with more than one judge, and a faculty member should be present in each courtroom.

3. A practicing lawyer briefs the students on our judicial system and on court procedure before they enter the courtroom. He will be prepared to answer any questions the students may want to ask him. Be sure to allow time for this very valuable activity before the court session starts. NOTE: If no personal lawyer friend can do this briefing, the Utah Bar Association will provide a lawyer for this purpose. Give them plenty of advance notice.

4. The field trip test given might include questions on the physical arrangements of the courtroom, the functions of the court personnel and participants in the trial, court procedure, testimony given, and on what the briefing lawyer told the students before they observed the trial session. Perhaps it would be well to make this an open notebook test, so that students can use any note they took during the field trip.

Related Materials A

Note to Teacher: This is the story as it would be told by Ann Stone.

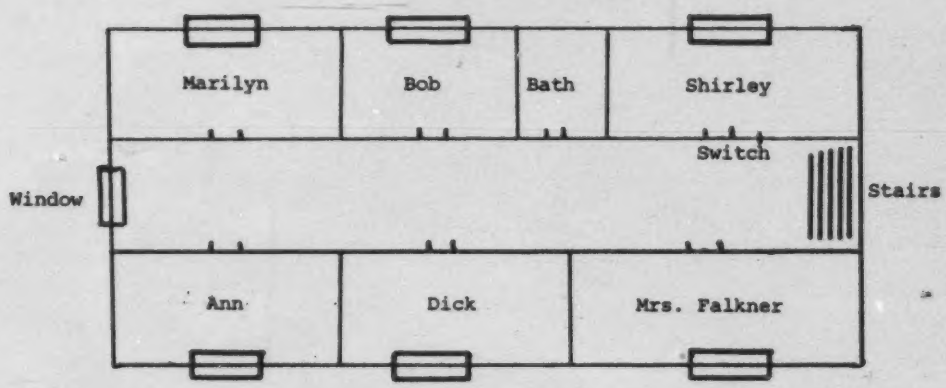
CASE OF THE STATE OF NEW YORK VS. ANN STONE

Ann Stone had been brought up in a wealthy home. Her father was president of a New York bank, and her mother died when Ann was small. At Christmas time of 19--, Ann became engaged to Bob Edwards, a good-looking playboy without much money. On July 10, 19--, Ann's father committed suicide and left a suicide note saying that he had been taking money from the bank and could not replace it. Reporters uncovered facts which lead them to believe that Ann and Bob had been in on the robbing of the bank, but no charge was made against them. When Bob found out that Ann had no more money or social position, he broke their engagement. Some of her friends helped her to get a position as secretary to Mrs. Amanda Falkner, who lived on a big estate on Long Island. Mrs. Falkner's husband was dead, and she lived alone except for her niece, Shirley Falkner, who lived with her. Ann had been there for about six weeks when Shirley decided to have some friends out for the weekend. She invited her best girlfriend, Marilyn North, and a partner for Marilyn. She invited Dick Hudson, a wealthy young fellow who had been traveling in India and had just arrived in New York the day before the weekend party started. His boat docked on Thursday, September --, 19--, and it had been in the papers that he had returned and was staying at the Claridge Hotel. Shirley invited him to the party, and asked him to bring some of his trophies from India to show to the other guests. For her own partner, Shirley invited Bob Edwards, not knowing of Bob's former connection with Ann. Ann was shocked when Bob arrived, and she could see that he was making as big a play for Shirley as he had once made for her. The weekend was planned to last from Friday night, September --, until Sunday night, September --. On Friday night, Shirley asked Dick to show them his trophies, so he brought the trophy case down from his room. The case was locked. He opened it with a key and showed the trophies to the guests. Among the trophies was a native knife with a curved blade and a jeweled handle. All the guests handled the knife. Then Dick locked the trophies up in the case and took them back to his room. Saturday morning, September --, Ann went to Shirley's room and told her the truth about Bob. Shirley accused Ann of still being in love with Bob, of being jealous, and of trying to break them up. The bitter quarrel was overhead by some of the servants. After dinner Saturday night, the four party guests settled down to a game of cards; Mrs. Falkner sat knitting, and Ann read a book until 10:00.

Then, saying she had a headache, Ann excused herself and went up to her room. She was awakened by what she thought was the slam of a door at 1:00 a.m. Then she heard footsteps in the hall, but could not tell whether they were a man's or a woman's. Suddenly she heard a thud against her door, then a slithering sound and then only silence. She jumped out of bed, put on her robe, opened the door, and by the moonlight streaming in through the hall window, she saw the body of Bob Edwards lying outside her door with his head toward the window. Beside the body was the native knife from Dick Hudson's trophy case. She was so startled and frightened that she picked up the knife before she stopped to think. As she stood there, still holding the knife, the wall lights flashed on, and Shirley Falkner, standing by the light switch at the other end of the hall, screamed. All the guests came running out into the hall from their rooms. Mrs. Falkner promptly had hysterics, and Dick Hudson, taking charge of the situation, called the police. After their investigation, the police arrested Ann Stone for the murder of Bob Edwards.

Related Materials B

FLOOR PLAN OF THE SECOND FLOOR OF THE FALKNER HOUSE



Unit IV

C O U R T S Y S T E M

JUVENILE COURTS

(Section D)

OBJECTIVE: The student shall write the date of creation of the juvenile court, its purpose, its differences from the adult court, the jurisdiction boundaries of the five areas and the people who staff the juvenile courts in Utah, not by name but by title.

SUMMARY OF PROCEDURES

(Section D)

The emphasis of the juvenile court is rehabilitation rather than incarceration.

METHOD A: Lecture Discussion

Distribute to each student a copy of the Format of Juvenile Court Procedures.

Discuss the material with the students.

Use overhead transparencies of the material in the Related Materials beginning page to see why children get into trouble.

METHOD B: Guest Speaker

Invite a person to come to the class and discuss with the students how the Juvenile Court functions.

MATERIALS NEEDED:

1. Juvenile Court, pages 145-49.
2. Use transparencies from Related Materials, pages 151-68.

EXPLANATION OF PROCEDURE

The emphasis of the juvenile court is rehabilitation rather than incarceration.

METHOD A: Lecture Discussion

The teacher should present a lecture explaining the creation of the Juvenile Court, the purpose of the Court, differences between Adult and Juvenile Court, jurisdiction of the Court, and list the Court's personnel.

The material in the Format of Juvenile Courts should be reproduced and handed out to the students so that they may better understand the Court.

The material in the Appendix will open up many discussions as to what crimes come under the courts jursidiction and where the crimes were committed. It will be a good place to discuss the role of the Juvenile Court which is to rehabilitate rather than to punish.

METHOD B: Guest Speaker

The teacher should invite a person from the Juvenile Court to come and talk to the youth about the role of the Juvenile Court in the lives of our youth. This part of the unit will be very informative to the students. Method A will help create a lot of interest for this person.

NOTE TO TEACHER: This material is here to help prepare you for the lecture to

be used in Method A.

CREATION OF JUVENILE COURT

The Juvenile Court was created in 1965 by the Utah State Legislature. Prior to this time it was part of the adult court. It went into effect on July 1, 1965 as a separate state court system. The juvenile court has its own judges who only listen to juvenile cases. The state is divided into five juvenile court districts. The juvenile court judges are appointed by the governor for six year terms.

PURPOSE OF THE JUVENILE COURT

It is the purpose of this act to secure for each child coming before the juvenile court such care, guidance and control, preferably in his own home, as will serve his welfare and the best interests of the State; to preserve and strengthen family ties whenever possible; to secure for any child who is removed from his home the care, guidance and discipline required to assist him to develop into a responsible citizen, to improve the conditions and home environment responsible for his delinquency; and, at the same time, to protect the community and its individual citizens against juvenile violence and juvenile law breaking.

Utah Code - Section 55-10-63

DIFFERENCE BETWEEN JUVENILE COURT AND ADULT COURT

The United States Supreme Court has made several decisions which have greatly changed the format of the court:

1. Gault Case - 1967

The court said in this case that the due process requirements of the Fourteenth Amendment are applicable to proceedings where minors may be found delinquent and may as a result be committed to a state institution. The court specifically held that due process guarantees apply to all children alleged to be delinquent; the right to adequate notice of changes; the right to representation by a lawyer, either retained or appointed by the court; the right to confrontation and cross-examination of witnesses; and the right to be advised of the privilege against self-incrimination.

2. Richard Case - 1970

The court said the burden of proof lies with the state to prove guilt beyond a reasonable doubt. Before this ruling, it was one man's word against another.

3. McKever Case - 1971

The court said that under the United States Constitution it was not necessary for a juvenile to have a jury trial, but it did not deny states from allowing jury trials.

Other Differences

1. Juveniles are not eligible for bail.
2. County Attorneys do not review all cases to make sure there is enough evidence to prosecute.
3. Only 10 to 15% of all juveniles have an attorney.
4. The Juvenile Court is not a Criminal Court, but rather a Civil Court where a judge listens to the evidence and makes solutions to the problem with imprisonment being the last result.

JURISDICTION OF THE UTAH JUVENILE COURT

1. Territorial jurisdiction, the Court is limited to the district in which the child resides (see map on page 151).
2. The subject matter of the juvenile court covers the full range of law violations by children (see charts on page 160). Approximately 44% of all juvenile crimes are conduct for adults, such as runaway, curfew, truancy, etc.
3. There is no minimum age for the juvenile court but the maximum age is set by law to include all children less than 18 years of age. For these children the court's jurisdiction is exclusive. The only exceptions occur when a child commits a felony, the juvenile court may, after a hearing, transfer the child to the district court for trial as an adult.

PERSONNEL OF THE JUVENILE COURT

The Judge - The Juvenile Judge has three obligations:

1. To protect the community;
2. To act in the best interest and welfare of the child appearing before him; and
3. To uphold the dignity of law and public's faith in the judicial system.

Referees - He handles all cases not serious enough to go to the judge. He determines whether you stay in detention or not.

Clerk of Court - He makes a record of the proceedings of the court action which is kept on file.

Probation and Detention Officers - These are the people who care for all youth, who while in detention and after the hearings, as probation officers. They are the social arm of the court.

FORMAT OF COURT PROCEDURES

Step 1. The child is arrested and brought to detention or a court referral has been made out on the child.

Step 2: Intake staff must determine whether the child is a danger to himself or others. If it is felt that he is dangerous, he is left in detention. If he is not dangerous, then he is released to his parents. If possible, a conference is held with the parents to find out if the child is out of the parent's control and to look at the seriousness of the crime. After this conference, the decision is made as to whether to hold him or to release him.

Step 3: At this point, the P. I. Desk determines the best interests of the child as to the next step.

1. Should a petition be filed;
2. Proceed in a non-judicial fashion; or
3. Dismiss the case.

Step 4: A judiciatory hearing or preliminary inquiry is held every morning at 8:45. Everyone in detention is brought before the judge and charged at this time. The parents are notified of the hearing. This hearing focuses on the danger question and a decision must be made as to whether he is to be released or not. Many are released because they do not fit the criteria of the danger question. Usually a child is not detained for a minor offense. Also, a juvenile cannot be held in a jail without a court record or if he is too big a problem or too tough to hold in detention.

Step 5: If the child is detained by the court in the Detention Center, then a petition or charge must be filed after five days exclusive of Saturdays, Sundays, or holidays. If it is not filed, then the temporary authority of the court disappears and he must be released. The petition must list the alleged charged and set a date for an arraignment or hearing in 48 hours; 10 days if the court is going to permanently terminate the parent's rights.

Step 6: Arraignment Procedures.

1. Advised of right to counsel - if he does not want one, the judge records that he waived right of counsel. If he wants an attorney, then a new date for the hearing is set.

2. If he waives the right of counsel, then the hearing moves to the next step. The charge is read to the defendant. At this point, the purpose of the hearing is to determine whether the charges are true. The youth has one of these answers he can make (a) the charges are true; (b) the charges are false; and (c) the youth as the right to remain silent. He cannot be compelled to testify.

3. If the youth pleads guilty, then the adjudicatory process is complete. Now the child comes under Section 77 of the Utah Code which says the state now has the right to enter in this child's life, the state has jurisdiction over the person.

4. If the youth denies the charges or remains silent, then a hearing date is set. At this point if the case is weak, the prosecuting attorney may drop the charges if he thinks it is wise.

5. At the hearing, the State has the burden of proof to be established beyond a reasonable doubt. Witnesses are subpoenaed and sworn in and examined by the prosecuting attorney and cross-examined. The judge hears the facts and tries to determine if they establish the charges. If they do, then the youth is declared to come under Section 77 of Utah Code, and the Adjudicatory

process is complete. If the charges are not proven, then the youth is released.

6. Disposition or findings - The judge has a very broad disposition. He may do what he feels is best for the youth a few of the choicest being: put him in a foster home, release him, or imprison him. To help the judge make up his mind, he receives many background reports. Those reports come from various people in specialized fields: legal, school, social workers, medical, psychiatric, psychological, public health, and other allied fields. The judge must determine what is the best solution to the problem. It is for this reason that a juvenile court is a civil court and not a criminal court. The court now acts through its probationary department to find the best social and physical answer possible.

The court must act like a wise parent.

a. A wise parent cares. The court cannot succeed in this assignment without a warm feeling for the child and an abiding concern for his welfare.

b. A wise parent seeks to understand the child and his parents.

c. A wise parent protects his child from harm.

d. A wise parent must seek to meet the needs of the child.

In the final analysis the court ought to look at the facts and enter such orders as will assure each child's growth to the measure of his full potential.

In 1971, Utah's juvenile courts received 18,490 delinquency referrals, 980 dependency and neglect referrals, and 8,947 traffic referrals. Dispositions were entered on 18,181 delinquency referrals, 960 dependency and neglect referrals, and 8,908 traffic referrals. Thus showing very little backlog.

The dispositions are either non-judicial or judicial. When no petition is filed and a hearing held before a judge, it is a judicial disposition.

A disposition means the court has reached a decision as to what course of action to take. Some choices are a fine, probation, change in legal custody, commitments to institutions, restitution, and work orders.

It is important to know that out of the above referrals to the court, many times more than one disposition was to one child. So the total number of juveniles referred to court would not be 18,490.

Most of these cases are handled by a probation officer. His functions are as follows:

1. Providing social casework or group work services, or both, to the child and the parents in cases of adjudicated delinquency in accordance with a treatment program. This service may and often is, in urban areas, provided through decentralized neighborhood probation centers.

2. To keep informed concerning the conduct and conditions of each person under supervision and make reports to the court as part of scheduled probation review hearings.

3. Preparation of complete social studies or evaluations as required by the court.

4. Coordination of court probation service with other community rehabilitation, special education progress, and various recreational programs.

5. Supervision of volunteers used in connection with court probation programs.

Probation means a legal status created by juvenile court order following an adjudication on the grounds of a violation of law or an adjudication that the child is beyond control of parents, guardian, or legal custodians to the point his behavior endangers his or the welfare of others or that he is a habitual truant.

Thus the judge has many choices he can make in deciding what to do with the child. He may terminate the parent-child relationship; to require treatment for mentally disturbed or defective children; to require therapy for parents; to place the child under such guardianship or custody as appears in his best interest; to place children in forestry camps; to require the child to make restitution in cases of damage to property; to impose fines; to deny driving privileges; and to make other reasonable orders and impose reasonable conditions consistent with the best interests of the child and/or the protection of the public.

Despite the range of alternatives given to the court by law, the available resources may severely limit what the judge can do. In many parts of our state an absence of resources or long waiting lists for available facilities leave the judge with very limited alternatives.

The State Industrial School is the last place where the judge wants to put a child. In 1971, 131 youths went to the school. For some the school is the best solution.

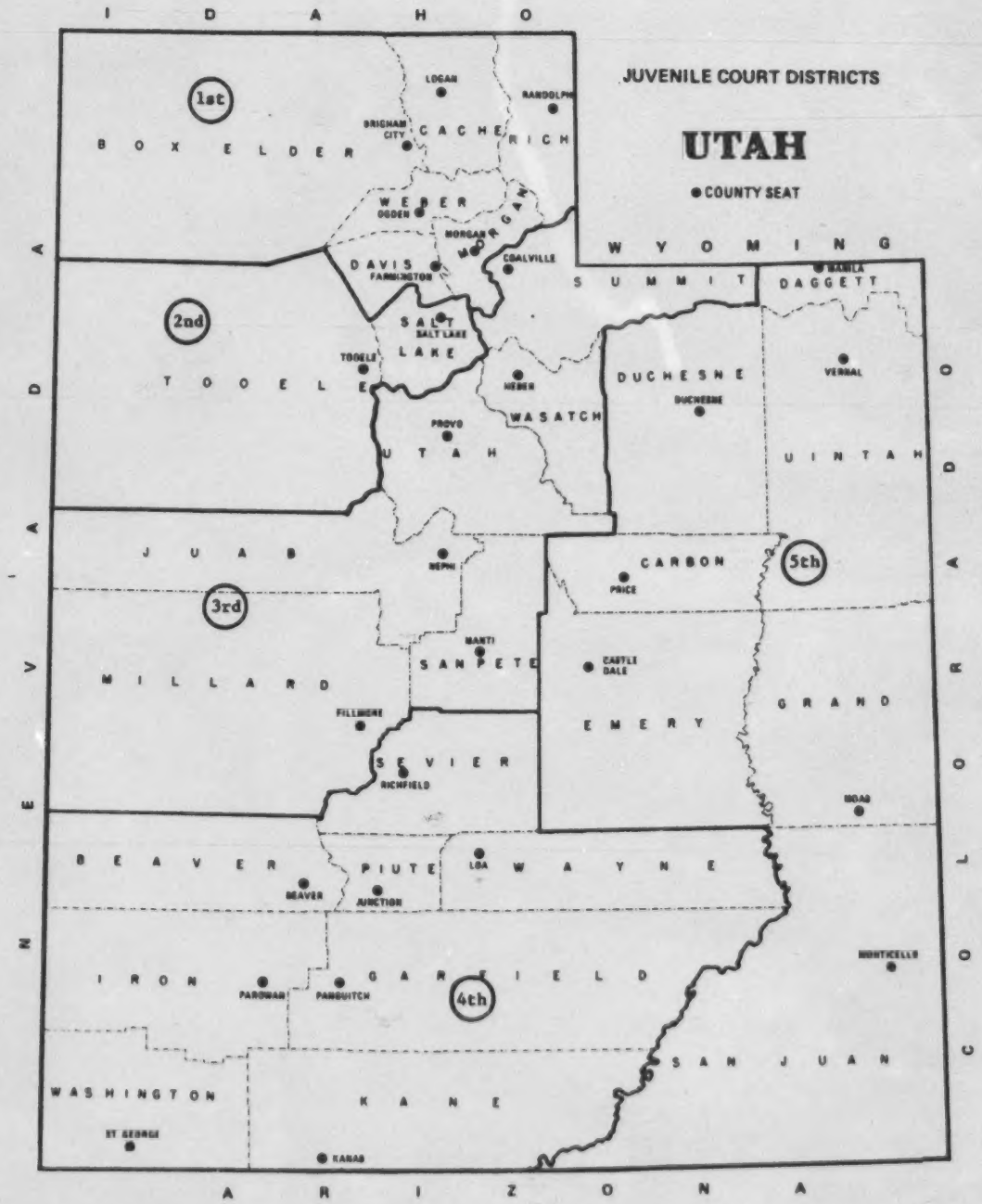
Those who go to the State Industrial School usually stay less than a year. Boys average 8 1/2 months, and girls average 10 1/2 months. In June 1972, there were 155 boys and 35 girls in the school. About 20 of these were repeaters.

For more information, see Related Materials, page 169 number two for a breakdown of the kinds of dispositions which the court has made.

TRANSPARENCIES*

	Page
Map of Juvenile Court Districts.	151
Juvenile Court Locations (Courts and Probation Offices).	152
Utah Juvenile Court Case Flow Chart.	153
Distribution of Delinquency Referrals from Utah's 29 Counties During 1971	154
Referrals to the Utah Juvenile Court During 1971	155
1971 Delinquency Referrals from all cities and towns along the Wasatch Front	156
Delinquency Referral Rates for Wasatch Front Counties, 1958-71	157
Delinquency Referrals to Utah's Juvenile Courts, 1941-71	158
Percent of Utah's Teen Population (age 12-17) Referred to the Juvenile Court for Delinquency during 1971, by County.	159
Reason for Referral (Offenses Reported) to Utah's Juvenile Court during 1971	160
Summary of Delinquency Offenses Reported to the Utah Juvenile Court 1971 by District.	161
Source of Referrals, 1971 and Previous Referrals of Children Referred to Juvenile Court for Delinquency.	162
Sex of Children Referred for Delinquency during 1971 by County	163
Family Structure of Children Referred for Delinquency during 1971.	164
Ethnic and Religious Comparison of Children Referred for Delinquency in 1971	165
Non-Traffic Intake Referral Work Load per Probation Officer,1961-71, and Average Monthly Supervision and Intake Case Load for Probation Department 1971	166
Disposition of Delinquency Referrals	169
Juvenile Commitments to the Utah State Industrial School 1961-71	170

*Source: Juvenile Court for the State of Utah Annual Report, 1971.


JUVENILE COURT DISTRICTS
UTAH
COUNTY SEAT
IDAHO
WYOMING
NEVADA
COLORADO
ARIZONA
1st
2nd
3rd
4th
5th
BOX ELDER
CACHE
RICH
WEBER
DAVIS
MORGAN
SUMMIT
DAGGETT
TOOELE
SALT LAKE
UTAH
WASATCH
DUCHESNE
UINTAH
JUAB
CARBON
MILLARD
SANPETE
EMERY
GRAND
SEVIER
BEAVER
PIUTE
WAYNE
IRON
GARFIELD
SAN JUAN
WASHINGTON
KANE
LOGAN
RANDOLPH
BRIGHAM CITY
OGDEN
COALVILLE
MANILA
FARMINGTON
SALT LAKE
TOOELE
HEBER
PROVO
DUCHESNE
VERNAL
NEPHI
PRICE
MANTI
CASTLE DALE
FILLMORE
RICHFIELD
MOAB
BEAVER
JUNCTION
LOA
MONTICELLO
PAROWAN
PANGUITCH
ST GEORGE
KANAB

151

JUVENILE COURT LOCATIONS

(Courts and Probation Offices)

FIRST DISTRICT

	Courthouse	Logan, 84321	752-3071
	Courthouse	Brigham City, 84302	
Main Office	924 - 24th Street	Ogden, 84401	394-2662
	88 South Highway 106	Farmington, 84025	867-2232
	*2638 Lincoln Avenue	Ogden, 84401	621-3941
	*1740 North Main Street	Layton, 84041	773-4686
	*506 South Main Street	Bountiful, 84010	292-2470

SECOND DISTRICT

Main Office	3522 South Sixth West	Salt Lake City, 84119	262-2601
	*905 East 5th South	Salt Lake City, 84105	328-8821
	*3950 South State Street	Salt Lake City, 84107	262-6053
	*621 South 8th West	Salt Lake City, 84104	328-9831
	*4299 West 5415 South	Kearns, 84118	299-6282

THIRD DISTRICT

	165 East 1st South	Provo, 84601	373-3613

FOURTH DISTRICT

Main Office	172 North Main Street	Cedar City, 84720	586-9832
	146 North Main Street	Richfield, 84701	896-5168

FIFTH DISTRICT

Main Office	47 South 1st East	Price, 84501	637-3283
	Courthouse	Vernal, 84078	789-1271
	Courthouse	Moab, 84532	259-5848

ADMINISTRATIVE OFFICE

	**2135 South West Temple	Salt Lake City, 84115	328-5254

*Neighborhood or Community Probation Centers

**Moved to 339 South 6th East, Salt Lake City, 84102, on May 5, 1972

UTAH JUVENILE COURT CASE FLOW GUIDE

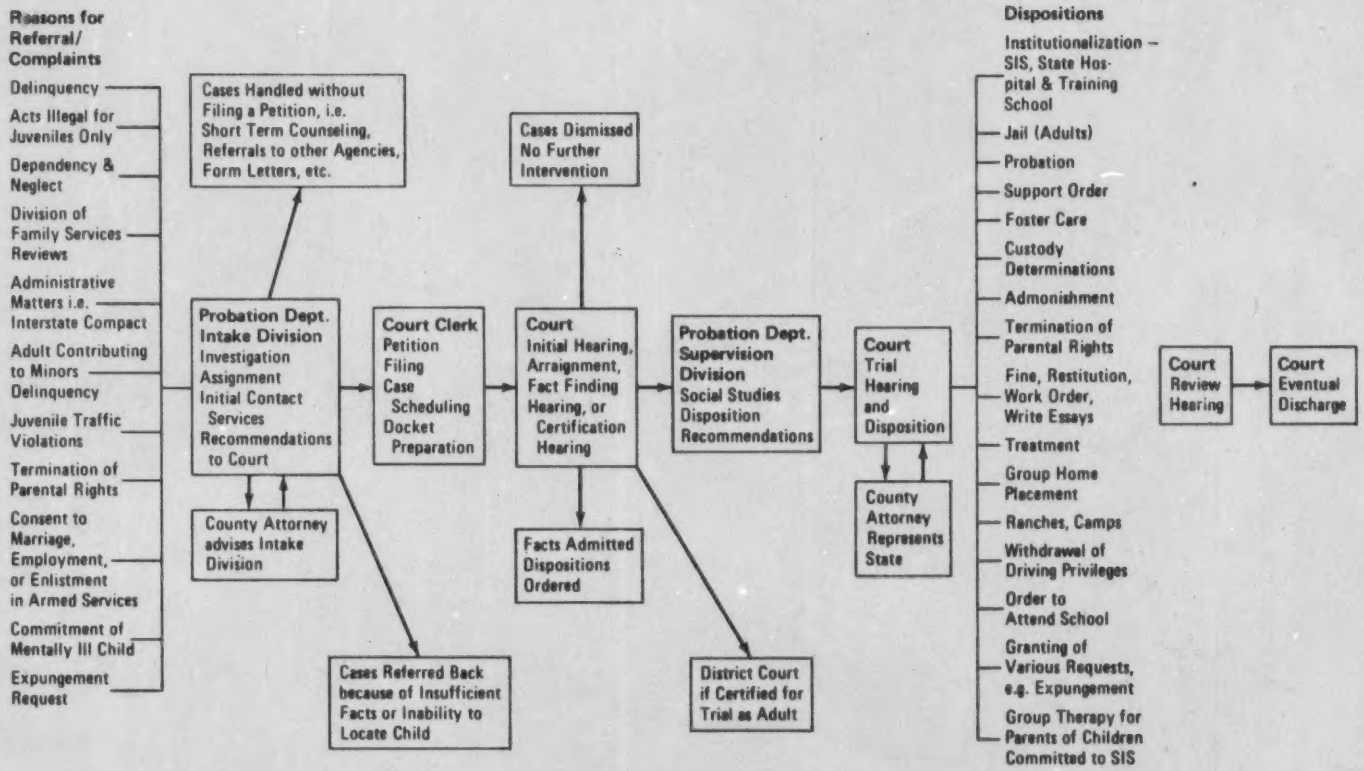
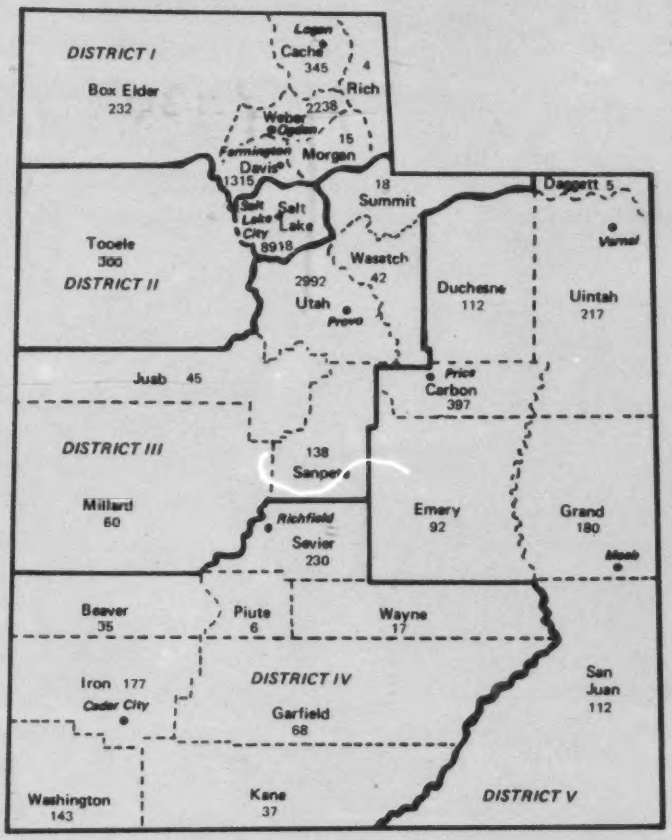

Reasons for Referral/ Complaints
Delinquency
Acts Illegal for Juveniles Only
Dependency & Neglect
Division of Family Services Reviews
Administrative Matters i.e. Interstate Compact
Adult Contributing to Minors Delinquency
Juvenile Traffic Violations
Termination of Parental Rights
Consent to Marriage, Employment, or Enlistment in Armed Services
Commitment of Mentally Ill Child
Expungement Request
Cases Handled without Filing a Petition, i.e. Short Term Counseling, Referrals to other Agencies, Form Letters, etc.
Probation Dept. Intake Division Investigation Assignment Initial Contact Services Recommendations to Court
County Attorney advises Intake Division
Cases Referred Back because of Insufficient Facts or Inability to Locate Child
Court Clerk Petition Filing Case Scheduling Docket Preparation
Cases Dismissed No Further Intervention
Court Initial Hearing, Arraignment, Fact Finding Hearing, or Certification Hearing
Facts Admitted Dispositions Ordered
District Court if Certified for Trial as Adult
Probation Dept. Supervision Division Social Studies Disposition Recommendations
Court Trial Hearing and Disposition
County Attorney Represents State
Dispositions
Institutionalization – SIS, State Hospital & Training School
Jail (Adults)
Probation
Support Order
Foster Care
Custody Determinations
Admonishment
Termination of Parental Rights
Fine, Restitution, Work Order, Write Essays
Treatment
Group Home Placement
Ranches, Camps
Withdrawal of Driving Privileges
Order to Attend School
Granting of Various Requests, e.g. Expungement
Group Therapy for Parents of Children Committed to SIS
Court Review Hearing
Court Eventual Discharge

FIGURE 1 – DISTRIBUTION OF DELINQUENCY REFERRALS FROM UTAH'S 29 COUNTIES DURING 1971



COUNTIES LISTED IN ORDER OF *NUMBER* OF DELINQUENCY REFERRALS

1. Salt Lake	8,918	16. San Juan	112
2. Utah	2,992	17. Emery	92
3. Weber	2,238	18. Garfield	68
4. Davis	1,315	19. Millard	60
5. Carbon	397	20. Juab	45
6. Cache	345	21. Wasatch	42
7. Tooele	300	22. Kane	37
8. Box Elder	232	23. Beaver	35
9. Sevier	230	24. Summit	18
10. Uintah	217	25. Wayne	17
11. Grand	180	26. Morgan	15
12. Iron	177	27. Piute	6
13. Washington	143	28. Daggett	5
14. Sanpete	138	29. Rich	4
15. Duchesne	112		

TABLE 1 – REFERRALS TO THE UTAH JUVENILE COURT DURING 1971

District & County	NON TRAFFIC REFERRALS							TRAFFIC		ALL REFERRALS	
	Delinquency	Percent	Dependency & Neglect	Adult	Administrative (Interstate Compact)	Total Non-Traffic	Percent	Total	Percent	Number	Percent
District 1											
Box Elder	232	1.3	16	10	0	258	1.3	565	6.3	823	2.9
Cache	345	1.9	19	6	3	373	1.9	657	7.3	1030	3.6
Davis	1315	7.1	46	10	5	1376	6.9	1043	11.7	2419	8.4
Morgan	15	*	1	0	0	16	.1	7	.1	23	.1
Rich	4	*	0	0	0	4	*	7	.1	11	*
Weber	2238	12.1	109	63	16	2426	12.2	978	10.9	3404	11.8
Sub Total	**4149**	**22.4**	**191**	**89**	**24**	**4453**	**22.4**	**3257**	**36.4**	**7710**	**26.8**
District 2											
Salt Lake	8918	48.3	592	61	53	9624	48.5	2354	26.3	11978	41.6
Tooele	300	1.6	20	0	1	321	1.6	74	.8	395	1.4
Sub Total	**9218**	**49.9**	**612**	**61**	**54**	**9945**	**50.1**	**2428**	**27.1**	**12373**	**43.0**
District 3											
Juab	45	.2	0	1	0	46	.2	56	.6	102	.3
Millard	60	.3	2	3	1	66	.3	58	.7	124	.4	
Sanpete	138	.8	3	4	0	145	.7	136	1.5	180	1.0
Summit	18	.1	0	0	0	18	.1	9	.1	27	.1
Utah	2992	16.2	51	42	1	3086	15.6	1825	20.4	4911	17.1
Wasatch	42	.2	3	5	0	50	.3	18	.2	68	.2
Sub Total	[illegible]	**17.8**	**59**	**55**	**2**	**3411**	**17.2**	**2101**	**23.5**	**5512**	**19.1**
District 4											
Beaver	35	.2	2	8	0	45	.2	33	.4	78	.3
Garfield	68	.4	6	2	0	76	.4	35	.4	111	.4
Iron	177	.9	7	10	2	196	1.0	48	.5	244	.8
Kane	37	.2	0	1	0	38	.2	26	.3	64	.2
Piute	6	*	4	1	0	11	.1	5	.1	16	.1
Sevier	230	1.2	20	20	3	273	1.4	259	2.9	532	1.9
Washington	143	.8	11	2	0	156	.8	58	.6	214	.7
Wayne	17	.1	0	3	0	20	.1	16	.2	36	.1
Sub Total	**713**	**3.9**	**50**	**47**	**5**	**815**	**4.2**	**480**	**5.4**	**1296**	**4.5**
District 5											
Carbon	397	2.1	30	13	5	445	2.2	253	2.8	698	2.4
Daggett	5	*	0	0	0	5	*	1	*	6	*
Duchesne	112	.6	2	0	0	114	.6	59	.7	173	.6
Emery	92	.5	5	2	1	100	.5	64	.7	164	.6
Grand	180	1.0	2	0	0	182	.9	67	.7	249	.9
San Juan	112	.6	17	0	0	129	.7	8	.1	137	.5
Uintah	217	1.2	12	1	1	231	1.2	229	2.6	460	1.6
Sub Total	**1115**	**6.0**	**68**	**16**	**7**	**1206**	**6.1**	**681**	**7.6**	**1887**	**6.6**
Grand Total	**18,490**	**100.0**	**980**	**268**	**92**	**19,830**	**100.0**	**8,947**	**100.0**	**28,777**	**100.0**
Percent Increase (Decrease) over 1970	**7.78**		**1.94**	**40.3**	**10.9**	**8.0**		**21.0**		**11.0**	

*Less than one tenth of 1%

TABLE 2 – 1971 DELINQUENCY REFERRALS FROM ALL CITIES & TOWNS ALONG THE WASATCH FRONT

WEBER COUNTY

Eden	2
Hooper	17
Huntsville	17
Liberty	3
North Ogden	84
Ogden City*	
Lower City Center	540
Northwest City	90
Upper City Center	458
North City	189
East Bench	102
Northeast City	30
College Heights	18
West Ogden	43
Ogden Canyon	7
Plain City	25
Pleasant View	14
Riverdale	96
Roy	165
South Ogden	93
Taylorville	0
Uintah	4
Washington Terrace	148
Unincorporated Areas	93
TOTAL	2,238

DAVIS COUNTY

North Bountiful	164
South Bountiful	185
Centerville	31
Clearfield	189
Clearfield Job Corp	73
Clinton	36
East Layton	6
Farmington	13
Kaysville	66
Layton	265
Laytona	0
South Weber	7
Sunset	131
Syracuse	33
Weber Basin Job Corp	20
West Bountiful	8
West Point	12
Woods Cross	40
Unincorporated	36
TOTAL	1,315

SALT LAKE COUNTY

Salt Lake City*	
Northwest City	367
City Center	550
Avenues	278
West Side	427
Upper City Center	681
South City	720
Southeast City	255
Magna	292
Granger–Hunter	1,336
South Salt Lake	313
Holiday	1,046
Kearns	972
Taylorsville, West Jordon, Riverton	289
Murray	347
Southeast County (Draper)	723
Midvale–Sandy	322
TOTAL	8,918

UTAH COUNTY

American Fork	138
Lehi	102
Orem	612
Pleasant Grove	121
Provo	1,364
Elberta	4
Payson	84
Salem	24
Santaquin	44
Spanish Fork	194
Springville	294
Thistle	11
TOTAL	2,992

**See Maps on Pages 24 and 25 for intra city area boundaries.*

TABLE 3 – DELINQUENCY REFERRAL RATES FOR WASATCH FRONT COUNTIES, 1958 - 1971

WEBER COUNTY

Year	Child Population 0-17	Delinquency Referrals	Referral Rate Per 1,000 Child Population
1958	42,356	1,373	32.4
1959	45,370	1,160	25.6
1960	47,055	1,403	29.8
1961	48,339	1,589	32.9
1962	49,560	1,555	31.4
1963	50,120	1,721	34.3
1964	49,252	1,387	28.2
1965-1967	NOT AVAILABLE		
1968	48,116	1,642	34.1
1969	45,087	1,961	43.5
1970	46,369	1,725	37.2
1971	49,329	2,238	45.4

SALT LAKE COUNTY

Year	Child Population 0-17	Delinquency Referrals	Referral Rate Per 1,000 Child Population
1958	146,687	2,756	18.8
1959	152,170	2,196	14.4
1960	157,431	3,103	19.7
1961	162,487	3,456	21.3
1962	170,806	2,449	14.3
1963	176,902	4,192	23.8
1964	178,645	4,054	22.7
1965-1967	NOT AVAILABLE		
1968	177,223	7,205	40.7
1969	177,989	7,887	44.3
1970	177,408	8,779	49.5
1971	180,845	8,918	49.3

DAVIS COUNTY

Year	Child Population 0-17	Delinquency Referrals	Referral Rate Per 1,000 Child Population
1958	27,720	327	11.8
1959	30,509	337	11.0
1960	32,573	491	15.1
1961	35,104	589	16.8
1962	37,459	538	14.4
1963	39,883	778	19.5
1964	41,059	622	15.1
1965-1967	NOT AVAILABLE		
1968	44,434	942	21.2
1969	44,894	1,138	25.3
1970	45,838	1,188	25.9
1971	46,795	1,315	28.1

UTAH COUNTY

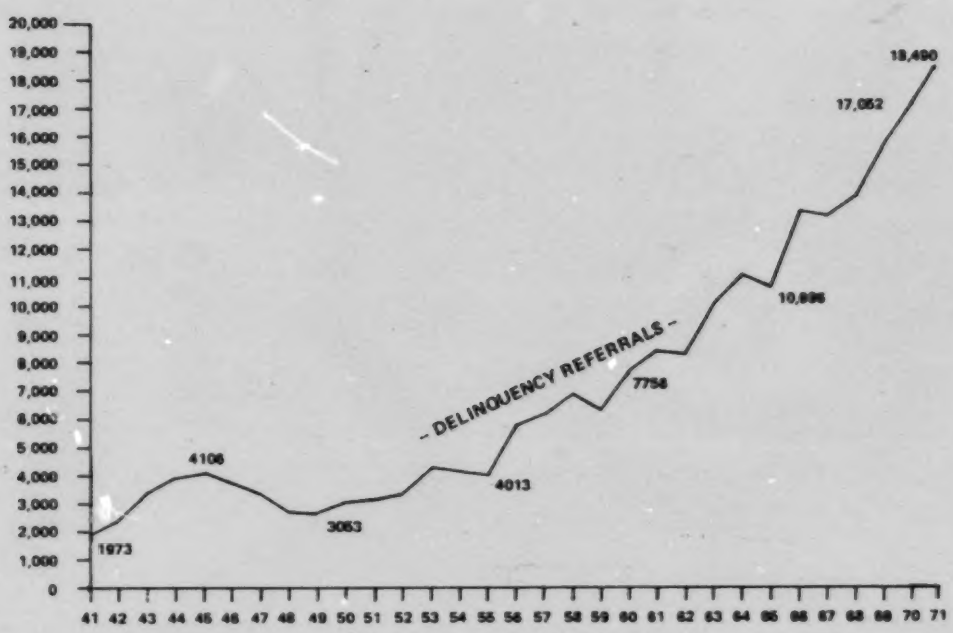
Year	Child Population 0-17	Delinquency Referrals	Referral Rate Per 1,000 Child Population
1958	42,804	892	20.9
1959	43,524	981	22.5
1960	44,345	941	21.2
1961	45,432	986	21.7
1962	45,689	907	19.9
1963	45,656	1,399	30.6
1964	46,900	1,533	32.7
1965-1967	NOT AVAILABLE		
1968	47,494	1,891	39.8
1969	48,412	2,270	46.9
1970	49,403	2,674	54.1
1971	51,370	2,992	58.2

COMMENT:

A change in the referral rate per 1,000 child population is a function of two factors: changes in child population and changes in total referrals. Although child population is showing a tendency to stabilize because of decreased birth rates in the 1960's, delinquency referrals continue to rise because the segment of the population which accounts for over 90% of delinquency referrals (12 thru 17 age group) continues to grow at pre 1960 rates. Thus a continued rise in the rate per 1,000 in the next few years can be expected. *See Figure 6 for referral rates covering teenage population only.*

Source for Child Population Data: Utah State Board of Education and 1970 Federal Census Reports.

FIGURE 4 – DELINQUENCY REFERRALS TO UTAH'S JUVENILE COURTS 1941-1971



1941 - 1973	1951 - 3139	1961 - 8401
1942 - 2435	1952 - 3400	1962 - 8340
1943 - 3443	1953 - 4274	1963 - 10,073
1944 - 3972	1954 - 4130	1964 - 11,080
1945 - 4106	1955 - 4013	1965 - 10,896
1946 - 3706	1956 - 5796	1966 - 13,428
*1947 - 3410	1957 - 6148	1967 - 13,186
1948 - 2686	1958 - 6898	1968 - 13,911
1949 - 2897	1959 - 6394	1969 - 15,714
1950 - 3063	1960 - 7758	1970 - 17,052
		1971 - 18,490

Figures are taken from Biennial Reports of the Juvenile Court & Probation Commission to 1942, Biennial Reports of the Director, Bureau of Services for Children to 1952, Utah Juvenile Court Quarterly to 1965 & Annual Reports of the Utah Juvenile Court to the present.

** Previous to 1947 fiscal year totals are given.*

TABLE 4 – PERCENT OF UTAH'S TEEN POPULATION (Age 12-17) REFERRED TO THE JUVENILE COURT FOR DELINQUENCY DURING 1971, BY COUNTY

District 1	Teen* Population	Children Referred For Delinquency During 1971	Percent of Total Teen Population Dealt With For Delinquency
Box Elder	4,315	181	4.2%
Cache	5,114	262	5.1%
Davis	16,351	985	6.0%
Morgan	641	15	2.3%
Rich	237	4	1.7%
Weber	17,729	1,543	8.7%
Sub Total	**44,391**	**2,990**	**6.7%**
District 2			
Salt Lake	60,119	5,506	9.2%
Tooele	3,175	220	6.9%
Sub Total	**63,294**	**5,726**	**9.0%**
District 3			
Juab	617	35	11.0%
Millard	1,131	52	4.6%
Sanpete	1,478	101	6.8%
Summit	842	16	1.9%
Utah	17,138	1,968	11.5%
Wasatch	912	37	4.1%
Sub Total	**22,118**	**2,209**	**10.0%**
District 4			
Beaver	563	31	5.5%
Garfield	509	51	10.0%
Iron	1,584	136	8.6%
Kane	354	32	9.0%
Piute	156	6	3.8%
Sevier	1,496	168	11.2%
Washington	1,941	123	6.3%
Wayne	264	19	7.2%
Sub Total	**6,867**	**566**	**8.2%**
District 5			
Carbon	2,209	264	12.0%
Daggett	82	5	6.1%
Duchesne	1,141	88	7.7%
Emery	769	73	9.5%
Grand	1,012	154	15.2%
San Juan	1,497	87	5.8%
Uintah	1,965	163	8.3%
Sub Total	**8,675**	**834**	**9.6%**
Grand Total	**145,345**	**12,325**	**8.5%**

* According to 1970 Census Reports

TABLE 7 – REASON FOR REFERRAL (OFFENSES REPORTED) TO UTAH'S JUVENILE COURT DURING 1971

REASON FOR REFERRAL	BOYS	GIRLS	TOTAL	REASON FOR REFERRAL	BOYS	GIRLS	TOTAL
Runaway	1364	1427	2791	Endangering Behavior or Condition	111	14	125
Shoplifting	1430	1025	2455	Gas Theft	72	50	122
Possession of Alcohol	1577	283	1860	Giving False Information	108	9	117
Possession of Tobacco	1131	290	1421	Bicycle Theft	85	32	117
Burglary	1182	63	1245	Robbery	106	8	114
Curfew	831	233	1064	Fighting	91	3	94
Ungovernable	599	452	1051	Fireworks	63	17	80
Petit Larceny	811	130	941	Throwing Objects at Vehicles	76	2	78
Depriving Owner of Vehicle (Joy Riding)	616	88	704	Car Strip	71	2	73
Vandalism (Destruction of Property)	648	43	691	Assault with a Deadly Weapon	66	0	66
Out of State Runaway	401	211	612	Pushing Drugs or Narcotics	62	1	63
Possession of Drugs or Narcotics	336	89	425	Minor in a Tavern	52	8	60
Public Intoxication	378	37	415	Assault	38	16	54
Trespass	350	47	397	Present Where Drugs Being Used	48	5	53
Contempt of Court	338	57	395	Arson or Firesetting	35	13	48
Habitual Truancy	249	141	390	Illicit Sex Acts	35	5	40
Fish and Game	370	8	378	Indecent Acts	28	2	30
Assault and Battery	299	58	357	Other Felonies	22	2	24
Grand Larceny	294	23	317	Molest	23	0	23
Car Prowl	285	9	294	Attempted Suicide	5	16	21
Inhaling Fumes (Glue Sniffing)	216	58	274	Rape	17	0	17
Unlawful Entry	178	21	199	Unnatural Sex Acts	14	0	14
Misdemeanor Other Type	156	41	197	Cruelty to Animals	10	0	10
Resisting Arrest	151	26	177	Boating Violations	10	0	10
Receiving Stolen Property	162	10	172	Tampering with Railroads	9	0	9
Unlawful Use of Firearms	168	1	169	False Alarms	7	1	8
Foul and Abusive Language	134	34	168	Homicide	4	1	5
Bad Checks and Fraud	116	34	150	Refusing to Disperse	5	0	5
Auto Theft	107	27	134	Negligent Homicide	2	0	2
Disturbing the Peace	111	14	125	All Other (Includes categories in firearms, fireworks, vandalism, self-jeopardy, riot, sex, misdemeanors)	137	27	164

	BOYS	GIRLS	TOTAL
TOTAL OFFENSES REPORTED:	16,311	5,209	21,520
TOTAL REFERRALS (CASES):	13,815	4,675	18,490
TOTAL CHILDREN REFERRED:	8,667	3,658	12,325

Figures given are for entire State.

TABLE 8 – SUMMARY OF DELINQUENCY OFFENSES REPORTED TO THE UTAH JUVENILE COURT 1971 – BY DISTRICTS

	First District		Second District		Third District		Fourth District		Fifth District		TOTALS	%
ACTS AGAINST PERSONS												
Assaults	142		241		36		21		33		473	2%
Robbery	43		42		6		2		1		94	*
Indecent Acts	8		15		7		0		0		30	*
Molest	7		11		0		4		1		23	*
Rape	9		6		1		1		0		17	*
Homicide	1		3		0		1		0		5	*
Negligent Homicide	1		1		0		0		0		2	*
SUB TOTAL	211	4%	319	3%	50	2%	29	3%	35	3%	644	3%
ACTS AGAINST PROPERTY												
Shoplifting	623		1,400		381		18		33		2,455	11%
Theft & Receiving Stolen Property	377		597		420		54		96		1,544	7%
Burglary & Unlawful Entry	327		838		107		59		113		1,444	7%
Destruction of Property, Trespass, Vandalism	354		595		195		50		89		1,283	6%
Auto Deprivation	101		519		47		21		16		704	3%
Car Prowl, Strip, or Gas Theft	41		375		41		7		13		477	2%
Bad Checks & other Felonies	45		84		32		1		12		174	1%
Auto Theft	18		56		21		13		26		134	1%
Arson or Fire Setting & Other	6		31		1		0		2		40	*
SUB TOTAL	1,892	40%	4,495	40%	1,245	36%	223	26%	400	31%	8,255	38%
ACTS AGAINST PUBLIC ORDER												
Fish & Game, Resisting arrest, Foul Language, Contempt.	559		642		71		104		66		1,442	7%
Possession – Use of Drugs – Narcotics	88		315		73		10		47		533	2%
Public Intoxication	139		120		59		16		81		415	2%
Fighting or Disturbing the Peace	55		65		50		7		39		212	1%
False Alarms, Fire Arms, Fireworks	49		162		38		8		14		271	1%
Glue Sniffing	66		170		27		5		6		274	1%
Illicit or Unnatural Sex Acts	25		28		9		2		3		67	*
SUB TOTAL	981	21%	1,502	14%	327	9%	148	17%	256	20%	3,214	15%
ACTS ILLEGAL FOR CHILDREN ONLY												
Runaway	506		1,904		244		58		79		2,791	13%
Possession of Alcohol & Minor in Tavern	440		868		478		214		114		1,914	9%
Curfew	130		478		309		23		115		1,064	5%
Ungovernable	349		537		98		20		47		1,051	5%
Possession of Tobacco	52		800		471		76		22		1,421	7%
Truancy	114		134		36		47		59		390	2%
Non-Resident Runaway	38		206		200		26		142		612	3%
Other	21		119		11		3		10		184	1%
SUB-TOTAL	1,659	35%	4,846	43%	1,847	53%	467	54%	588	46%	9,407	44%
GRAND TOTAL	4,743	100%	11,162	100%	3,469	100%	867	100%	1,279	100%	21,520	100%

* Less than ½ of 1%

NOTE: A detailed listing of all offenses by county may be obtained from the Administrative Office of the Juvenile Court.

TABLE 9 – SOURCE OF REFERRALS 1971

DELINQUENCY

DISTRICT	1		2		3		4		5		State Totals	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Law Enforcement												
Sheriff	292	7%	NA		NA		98	14%	390	35%	NA	
Police	2,944	70%	NA		NA		301	42%	384	34%	NA	
Highway Patrol	166	4%	NA		NA		81	11%	200	18%	NA	
Fish & Game	137	3%	NA		NA		52	7%	28	3%	NA	
Other Law Enforcement	121	3%	NA		NA		11	2%	27	2%	NA	
Total Law Enforcement	3,648	87%	8,678	94%	3,186	97%	543	76%	929	83%	16,984	92%
School	137	3%	241	3%	64	2%	100	14%	100	9%	642	3%
Juvenile Court	237	6%	118	1%	9	*	14	2%	28	2%	406	3%
Public Service	23	1%	1	*	10	*	6	1%	24	2%	64	*
Family	24	1%	97	1%	6	*	11	2%	7	1%	145	1%
Other	79	2%	83	1%	21	1%	38	5%	29	3%	251	1%
TOTALS	4,149	100%	9,218	100%	3,295	100%	713	100%	1,115	100%	18,490	100%

NA: Not available

DEPENDENCY – NEGLECT

DISTRICT	1	2	3	4	5	State Totals
	Number	Number	Number	Number	Number	Number
Law Enforcement	97	338	18	6	0	449
School	4	0	0	3	3	10
Juvenile Court	4	25	0	0	3	32
Public Service	61	9	36	23	50	179
Family	30	44	1	12	9	96
Other	14	193	2	7	3	219
TOTALS	190	610	57	50	68	975

COMMENT: As shown, 92% of all delinquency referrals originate from law enforcement agencies. A tendency can be noted in the rural districts (Four & Five) for referrals to originate from schools and other sources at a higher rate than the urban districts. This probably reflects efforts made by the urban courts to limit referrals from schools and other sources except in serious cases.

TABLE 10 – PREVIOUS REFERRALS OF CHILDREN REFERRED TO JUVENILE COURT FOR DELINQUENCY – 1971

RECIDIVISM

DISTRICT	None		One		Two		Three		Four		Five or More		TOTAL	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1	1,798	58%	488	17%	246	8%	140	4%	91	3%	240	8%	2,980	100%
2	2,880	50%	944	16%	483	8%	326	6%	219	4%	864	15%	5,726	100%
3	1,236	56%	380	18%	188	8%	120	5%	67	3%	210	10%	2,200	100%
4	344	60%	109	19%	66	10%	26	4%	8	2%	27	5%	580	100%
5	543	66%	132	16%	64	8%	39	5%	19	2%	37	5%	834	100%
TOTAL	6,799	55%	2,060	16%	1,043	8%	661	5%	404	3%	1,378	12%	12,325	100%

EXPLANATION:

The higher the percentage in the first column headed "none" the better the recidivism rate; that is, more children were dealt with for the first time during 1971. The higher the percentage in the column headed "five or more" the greater the number of chronic offenders being handled. Previous referrals for the child involved include *all* previously recorded delinquency referrals not just those occurring in 1971.

TABLE 12 – SEX OF CHILDREN REFERRED FOR DELINQUENCY DURING 1971
(By County)

District & County	MALE		FEMALE		TOTAL
District 1	TOTAL	%	TOTAL	%	
Box Elder	135	75%	46	25%	181
Cache	177	68%	85	32%	262
Davis	734	75%	251	25%	985
Morgan	6	40%	9	60%	15
Rich	4	100%	0	0%	4
Weber	1,078	70%	465	30%	1,543
Sub Total	2,134	71%	856	29%	2,990
District 2					
Salt Lake	3,696	67%	1,810	33%	5,506
Tooele	157	71%	63	29%	220
Sub Total	3,853	67%	1,873	33%	5,726
District 3					
Juab	29	83%	6	17%	35
Millard	34	65%	18	35%	52
Sanpete	71	70%	30	30%	101
Summit	15	94%	1	6%	16
Utah	1,424	72%	544	28%	1,968
Wasatch	23	62%	14	38%	37
Sub Total	1,596	72%	613	28%	2,209
District 4					
Beaver	22	71%	9	29%	31
Garfield	42	82%	9	18%	51
Iron	108	79%	28	21%	136
Kane	27	84%	5	16%	32
Piute	6	100%	0	0%	6
Sevier	124	74%	44	26%	168
Washington	98	80%	25	20%	123
Wayne	15	79%	4	21%	19
Sub Total	442	78%	124	22%	566
District 5					
Carbon	208	79%	56	21%	264
Daggett	4	80%	1	20%	5
Duchesne	70	80%	18	20%	88
Emery	58	79%	15	21%	73
Grand	107	69%	47	31%	154
San Juan	68	78%	19	22%	87
Uintah	127	78%	36	22%	163
Sub Total	642	70%	192	23%	834
GRAND TOTAL	8,667	70%	3,658	30%	12,325

TABLE 13 – FAMILY STRUCTURE OF CHILDREN REFERRED FOR DELINQUENCY DURING 1971

LIVING ARRANGEMENT

	Total	Percent
Natural Parents	5,338	60%
Mother Only	1,468	17%
Mother & Stepfather	877	10%
Father & Stepmother	232	3%
With Relatives	189	2%
Father Only	210	3%
Foster Home	144	2%
Adoptive Parents	126	1%
Institution	89	1%
Other	130	1%
Spouse	30	*
Step Parent	15	*
TOTAL	8,848	100%

**Less than ½ of 1%*

MARITAL STATUS OF NATURAL PARENTS

	Total	Percent
Parents Living Together	5,640	64%
Divorced or Separated	2,277	26%
Father Deceased	483	6%
Mother Deceased	153	6%
Other	70	1%
Father Deserted	48	1%
Parents Not Married	26	*
Both Parents Deceased	29	*
Mother Deserted	12	*
TOTAL	8,738	100%

PARENTS EMPLOYMENT

	Total	Percent
Father Working	4,340	51%
Both Working	2,103	25%
Mother Working	1,016	12%
Neither Working	988	12%
TOTAL	8,447	100%

FAMILY INCOME

	Total	Percent
Public Assistance	832	10%
Under 3,000	244	3%
3,000 to 4,999	1,031	12%
5,000 to 9,999	3,705	45%
10,000 & Over	2,517	30%
TOTAL	8,329	100%

COMMENT:
Of the 12,325 children referred for delinquency statewide in 1971, approximately 70% had social data submitted for tabulation.

TABLE 14 – ETHNIC AND RELIGIOUS COMPARISON OF CHILDREN REFERRED FOR DELINQUENCY IN 1971

	Delinquency Population	
	Total	Percent
WHITE	7,566	85.6%
NEGRO	143	1.6%
INDIAN	170	1.9%
SPANISH/AMERICAN	905	10.3%
ORIENTAL	18	.2%
OTHER	35	.4%
TOTAL	8,837	100%

	Religious Affiliation	
	Total	Percent
Mormon (L.D.S.)	5,729	67.8%
Catholic	1,261	14.9%
Protestant	847	10.0%
Jewish	9	.1%
None	366	4.4%
Other	237	2.8%
Total	8,449	100%

NOTE:
Of the 12,325 children referred for delinquency in 1971, approximately 70% had social data submitted for tabulation.

TABLE 17 – NON-TRAFFIC INTAKE REFERRAL WORK LOAD PER PROBATION OFFICER* 1961 - 1971

Year	District 1	District 2	District 3	District 4	District 5	State Totals
1961	418	394	297	236	187	345
1962	413	373	344	217	177	340
1963	413	422	389	202	213	374
1964	299	388	–	–	–	345
1965	318	455	397	294	286	384
1966	389	487	497	358	433	451
1967	342	478	294	334	359	397
1968	284	481	372	386	308	389
1969	342	471	450	397	302	417
1970	277	335	520	353	370	344
1971	262	332	569	413	402	342

* Includes Probation Aides as part of Probation Staff in District 1 & 2

TABLE 18 – AVERAGE MONTHLY SUPERVISION AND INTAKE CASE LOAD PROBATION DEPARTMENT - 1971

DIS-TRICT	INTAKE				SUPERVISION			
	INTAKE STAFF[1]	Monthly delinquency intake per staff member	Other intake per staff member[2]	TOTAL INTAKE Caseload	Supervision Staff 1	Average on probation per staff member	Others under continuing jurisdiction per staff member[3]	TOTAL SUPERVISION
1	4.5	78	6	82	11.5	29	11	40
2	13	60	5	65	16	32	22	54
3*	2.5	105	4	109	2.5	54	12	66
4*	1	80	9	89	1	132**	42	174
5*	1.5	61	5	66	1.5	65	38	103
State Total Average	22.5	68	5	73	32.5	37	19	56

1 Excludes directors of court services. Includes probation aides. Figures represent full time equivalent positions as of Dec. 31, 1971

2 Includes neglect and dependency, adult, and administrative matters.

3 Includes cases under court order being supervised by other agencies but still requiring some residual involvement by the supervision division.

* Districts 3, 4, and 5 do not have separate intake and supervision divisions. Thus, their staff are divided equally between intake and supervision for purposes of this chart.

** This high number may be a result of children being left on probationary status for longer periods of time than in other districts.

TABLE 19 – AVERAGE DAYS TO HANDLE REFERRALS TO JUVENILE COURT DURING 1971

DISTRICT	DELINQUENCY		DEPENDENCY & NEGLECT		TRAFFIC	ALL TYPES
	With Petition	Without Petition	With Petition	Without Petition		
1	70	26	85	27	43	46
2	71	30	114	43	68	56
3	60	40	109	23	25	40
4	45	15	11	12	28	34
5	44	38	84	85	31	38
STATE AVERAGE	66	31	98	42	43	48

TABLE 15 – DISPOSITION OF *DELINQUENCY* REFERRALS HANDLED DURING 1971*

NO PETITION FILED – HANDLED BY THE PROBATION DEPARTMENT

	DISTRICT 1		DISTRICT 2		DISTRICT 3		DISTRICT 4		DISTRICT 5		STATE TOTALS	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
No Judicial Adjustment	1564	71.2%	3154	62.6%	561	30.3%	79	55.2%	180	36.2%	5538	57.0%
Form Letter	84	3.8%	648	12.9%	937	50.5%	0	0.0%	3	0.6%	1672	17.2%
Insufficient Facts	81	3.7%	479	9.5%	29	1.6%	8	5.6%	58	11.7%	655	6.7%
Referred to Other Agency	199	9.1%	145	2.9%	27	1.5%	1	0.7%	16	3.2%	388	4.0%
Unable to Locate	47	2.1%	42	0.8%	29	1.6%	4	2.8%	22	4.4%	144	1.5%
Sent to Another Court	80	3.6%	78	1.6%	84	4.5%	26	18.2%	71	14.3%	339	3.5%
Runaway Returned	54	2.5%	220	4.4%	155	8.3%	20	14.0%	89	17.9%	538	5.5%
Returned to S.I.S.	21	1.0%	52	1.0%	2	0.1%	0	0.0%	1	0.2%	76	0.8%
Other	66	3.0%	217	4.3%	29	1.6%	5	3.5%	57	11.5%	374	3.8%
DISTRICT TOTALS	2196	100.0%	5035	100.0%	1853	100.0%	143	100.0%	497	100.0%	9724	100.0%

PETITION FILED – JUDICIAL ACTION TAKEN

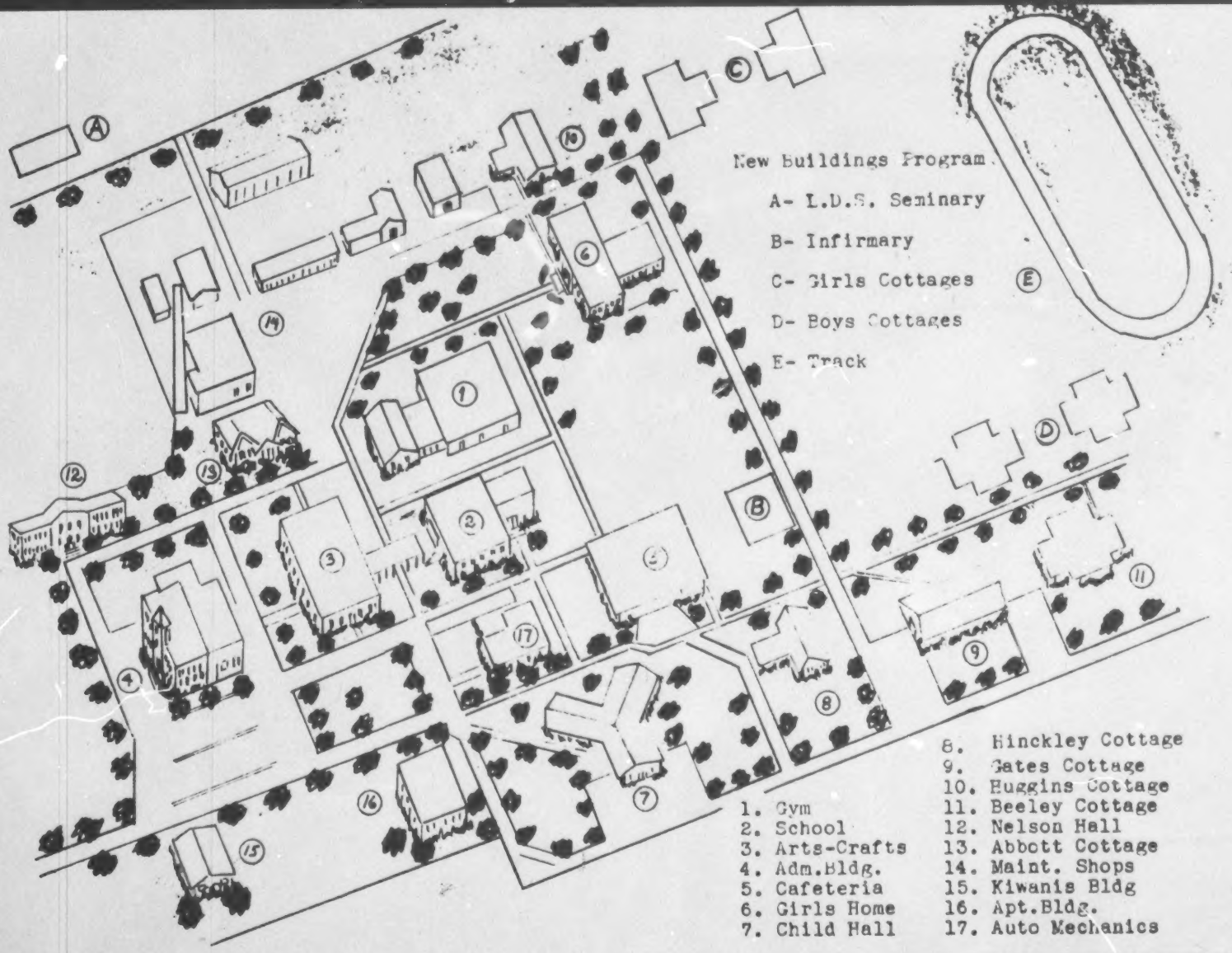
	DISTRICT 1		DISTRICT 2		DISTRICT 3		DISTRICT 4		DISTRICT 5		STATE TOTALS	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Dismissed - Lack of Evidence	90	5.1%	108	2.5%	55	4.5%	9	1.6%	17	3.0%	279	3.3%
Dismissed - Other Person	196	11.1%	342	7.9%	102	8.3%	18	3.2%	46	8.0%	704	8.3%
Probation Only	141	8.0%	364	8.4%	111	9.0%	28	4.9%	28	4.9%	672	7.9%
Probation Combined With Fine, Restitution or Work Order	136	7.7%	293	6.8%	1	.1%	49	8.6%	73	12.8%	552	6.5%
Suspended Commitment – State Industrial School	40	2.3%	140	3.2%	47	3.8%	22	3.9%	19	3.3%	268	3.2%
Stayed Commitment – State Industrial School	2	.1%	64	1.5%	12	1.0%	19	3.4%	12	2.1%	109	1.3%
Agency Supervision	10	.6%	23	.5%	2	.2%	4	.7%	14	2.4%	53	.6%
Commitment - State Industrial School	47	2.7%	96	2.2%	38	3.1%	10	1.8%	9	1.6%	200	2.4%
Commitment - State Hospital or Training School	9	.5%	3	.1%	1	.1%	2	.4%	3	.5%	18	.2%
Temporary Guardianship to Division of Family Services	31	1.8%	170	3.9%	33	2.7%	3	.5%	22	3.9%	261	3.1%
Temporary Guardianship to Other Agency or Individual	1	*	37	.8%	3	.2%	7	1.2%	1	.2%	49	.6%
Parental Rights Permanently Terminated	0	0.0%	1	*	0	0.0%	0	0.0%	0	0.0%	1	*
Other Type Custody Change	9	.5%	4	.1%	0	0.0%	0	0.0%	0	0.0%	13	.2%
Fine Only	290	16.5%	1518	35.1%	535	43.5%	232	40.9%	116	20.3%	2691	31.8%
Restitution Only	14	.8%	337	7.8%	29	2.4%	11	1.9%	11	1.9%	402	4.7%
Work Order Only	494	28.1%	4	.1%	90	7.3%	45	7.9%	110	19.2%	743	8.8%
Combination of Fine, Restitution, and/or Work Order	67	3.8%	95	2.2%	14	1.1%	15	2.7%	44	7.7%	235	2.8%
Restrained From Driving	1	*	43	1.0%	7	.6%	61	10.8%	3	.5%	115	1.4%
Returned to S.I.S.	9	.5%	133	3.1%	2	.2%	3	.5%	1	.2%	148	1.7%
Other – Continuation of Previous Orders, Other Forms of Restraint	157	9.0%	528	12.2%	135	11.0%	27	4.7%	36	6.3%	883	10.4%
Certified to District Court	9	.5%	4	.1%	0	0.0%	0	0.0%	1	.2%	14	.2%
Medical Treatment	6	.3%	21	.5%	14	1.1%	2	.4%	6	1.0%	49	.6%
DISTRICT TOTALS	1759	100.0%	4328	100.0%	1231	100.0%	567	100.0%	572	100.0%	8457	100.0%
DISTRICT TOTALS ALL DISPOSITIONS	3,955		9,363		3,084		710		1,069		18,181	

*This table presents total dispositions entered on all referrals handled during the year. Thus, because one child may be responsible for more than one referral during the year, dispositions shown above will be larger than total children handled during the year. For example, in the case of commitments to the State Industrial School, dispositions in this category will be higher than the actual number of *children* committed because two or more referrals by the same child may be handled together and result in this disposition.

TABLE 11 – JUVENILE COURT COMMITMENTS TO THE UTAH STATE INDUSTRIAL SCHOOL 1961 - 71

		FIRST DISTRICT		SECOND DIST.		THIRD DISTRICT		FOURTH DIST.		FIFTH DISTRICT		STATE TOTAL	
1961	BOYS	32		79		9		19		14		153	
	GIRLS	14		34		4		0		3		55	
	SUB TOTAL		46		113		13		19		17		208
1962	BOYS	30		94		8		15		16		163	
	GIRLS	9		50		5		3		3		70	
	SUB TOTAL		39		144		13		18		19		233
1963	BOYS	43		117		21		10		5		196	
	GIRLS	6		35		6		3		5		55	
	SUB TOTAL		49		152		27		13		10		251
1964	BOYS	52		52		39		24		12		179	
	GIRLS	9		20		9		7		6		51	
	SUB TOTAL		61		72		48		31		18		230
1965	BOYS	49		60		20		21		6		156	
	GIRLS	11		30		16		5		1		63	
	SUB TOTAL		60		90		36		26		7		219
1966	BOYS	34		92		7		7		10		150	
	GIRLS	19		32		0		0		1		52	
	SUB TOTAL		53		124		7		7		11		202
1967	BOYS	38		67		4		0		6		115	
	GIRLS	19		31		2		1		3		56	
	SUB TOTAL		57		98		6		1		9		171
1968	BOYS	35		61		11		3		7		117	
	GIRLS	9		26		6		1		2		44	
	SUB TOTAL		44		87		17		4		9		161
1969	BOYS	27		61		14		5		13		120	
	GIRLS	9		19		5		1		4		38	
	SUB TOTAL		36		80		19		6		17		158
1970	BOYS	36		51		15		5		13		120	
	GIRLS	8		19		3		1		0		31	
	SUB TOTAL		44		70		18		6		13		151
1971	BOYS	21		48		12		11		7		99	
	GIRLS	7		15		5		2		3		32	
	SUB TOTAL		28		63		17		13		10		131

NOTE: Since 1963 there has been a steady decline in the number of commitments to the Industrial School from 251 to 131. This amounts to an average decrease of 6% per year.


New Buildings Program
A- L.D.S. Seminary
B- Infirmary
C- Girls Cottages
D- Boys Cottages
E- Track
1. Gym
2. School
3. Arts-Crafts
4. Adm.Bldg.
5. Cafeteria
6. Girls Home
7. Child Hall
8. Hinckley Cottage
9. Gates Cottage
10. Huggins Cottage
11. Beeley Cottage
12. Nelson Hall
13. Abbott Cottage
14. Maint. Shops
15. Kiwanis Bldg
16. Apt.Bldg.
17. Auto Mechanics

UTAH STATE INDUSTRIAL SCHOOL
FROM S.I.S. BOOKLET

Goals and Objectives

The purpose of this booklet is to acquaint parents, students and citizens with the wide variety of responsibilities, systems and methods that have been developed to accomplish the goals and objectives outlined below. The sections that follow give brief descriptions of the programs available to the students and their parents to assist them in rehabilitation and adjustment in our increasingly complex society.

The Industrial School is administered by the Division of Family Services under the Department of Social Services.

Section 64-6-1, Utah Code Annotated, states: "The State Industrial School, located in Ogden, Weber County, Utah, shall be for the confinement, discipline, education, employment and reformation of juveniles committed to it according to law."

Within this legal framework a philosophy has evolved which is one of helping boys and girls to become law abiding citizens, and help them develop their individual potentials to be productive and self sustaining, and to be capable of pursuing a satisfying life within our society.

Historical Background

The State Industrial School was established as a coeducational institution in its present location by the First Utah Legislature in 1896. The campus has been expanded to where the main complex occupies approximately 30 acres of land. There are also 110 acres located two miles to the Northeast of the campus which is used to raise fruit and cattle.

Admissions

All admissions to the agency are by commitment by Utah's five Juvenile Courts. The reasons for commitment vary greatly; with boys and offenses most frequently committed are: car theft, larceny, burglary, destruction of property, assault, truancy and sex offenses; while girls are generally committed for incorrigibility, running away from home, promiscuity, truancy and shop lifting. The average age of boys and girls upon commitment to the State Industrial School is approximately 15.5 years; with the girls averaging slightly older than the boys. Nearly all possess problems of a social nature and not an insignificant number have emotional problems which may facilitate their delinquent behavior.

Rehabilitation, Training and Education

Diagnostic Services: Diagnostic procedures are utilized which includes psychological tests, court histories, interviews with parents and the student, examination of school records, medical history and examination, and when necessary, psychiatric consultation.

Treatment Teams: Implementation of the diagnostic findings then becomes the responsibility of treatment teams. Each of the nine teams at the agency are composed of a caseworker, who acts as chairman, a school teacher

and the senior supervisor of the living unit to which the new student is assigned. Students, as well as their families, are invited to participate in the formulation of treatment goals. Plans also are made which will be carried out upon his eventual release to the community. Periodically, each student comes before the treatment team in order that his progress may be evaluated and to determine the suitability of his program, his readiness for home visits, off campus school, off campus work, special privileges and eventual release time.

Clinical Services: Depending upon individual need, a student may be involved in any one of several clinical procedures such as individual psychotherapy, group discussions, group therapy, individual case work sessions, psycho-drama, role playing and conjoint family therapy to list a few. Any family may also avail themselves of these services if it is deemed important to the rehabilitation of the youngster. At present two full-time and two part-time Clinical Psychologists and six Social Workers provide these services in addition to evaluative and consultative services to administrative personnel, treatment teams, and other departments within the institution.

Medical Services: Continuous medical and dental care is provided each youngster by two registered nurses and a part-time physician. A hospital unit is maintained in both the boys and the girls divisions where minor medical problems receive attention. Local hospitals provide service for emergency treatment and major problems requiring intensive care.

Education: It is essential that this agency provide both remedial and regular academic instruction to a majority of the youngsters. The educational program must provide a range of subject matter from the lowest elementary grades up to and including the 12th grade subjects in addition to core and remedial classes. Classes are kept small and average about 15 or less throughout the school year. Although some of the remedial classes contain fewer than 10 youngsters, some classes may reach as high as 20 students.

Group Living, Recreation and Volunteer Services: Youngsters spend a great deal of time in group living and in group living activities. The basic task for group living personnel is to provide experiences which approximate those found in a healthy home environment. To do this each cottage is presided over by group living supervisors and sufficient staff to provide 24 hour supervision. These are currently 9 boys and 4 girls groups which range in size from 18 to 30 students.

Group living personnel act as a parent substitute for the boys or girls in their groups and provide much of the counseling around daily problems of living. It is here that students are taught many social graces, living habits, care of clothing, personal grooming, and are provided encouragement and assistance in carrying out class assignments and other homework, all of which is essential to socialized community living.

Further social and cultural enrichment of the resident student is afforded by numerous persons from local communities who volunteer their special talents and skills, giving instruction in arts and crafts, academic tutoring, dancing, music lessons, as well as needed companionship for students who have difficulty in their relationships with adults.

Religious services are important and are also provided. A Catholic Priest from the Judge Memorial High School in Salt Lake, and three Catholic Sisters, assisted by lay members, hold regular Catholic services each Sunday

with Communion, Mass, and Confession. During the week a Catholic Sister offers full-time Catholic instruction and counseling for the Catholic students.

The L.D.S. Church holds regular Sunday School services with a full staff of teachers. Seminary and religious counseling programs for L.D.S. students are are also held during the week. A principal and two full-time instructors and counselors are provided to do this work.

Sunday Services are provided for the Protestant students through one of the local churches each Sunday morning.

Coeducational Programming: We are very pleased to be at the forefront of a new trend throughout the country which emphasizes development of coeducational programs. It has long been this agency's position that boys and girls require healthy experiences with each other during their growing-up process.

Student Councils: Further involvement of the youngster in his own rehabilitation is fostered by two Student Councils, one in the academic school program and the other composed of representatives from the various group living units. These programs afford a useful avenue of communication between staff and students so that the changing needs of students may be determined more rapidly and also provides a means of anticipating conflicts early enough to circumvent them. These Student Councils have also sponsored a series of discussions concerned with subjects vitally important to their lives. Experts obtained from the local community have given freely of their assistance in this program.

Employment Opportunities: A select number of students are placed in off campus employment to further their training and to provide them with on-the-job work experiences as an extension of vocational training programs. This helps to bridge the gap between institutional living and the community. Students are employed in bakeries, cafes, garages, warehouses, and on other jobs in Ogden.

Home Visits for Students; Students who develop responsibility are allowed periodic and special home visits with their families. This affords incentive for good behavior at the institution and helps them to remain a part of their family while they are in residence at the Industrial School. Moreover, conflicts boys and girls have experienced with their families are more readily resolved through these frequent visits since it is possible to observe family interactions and then provide needed counseling. Many students, near the end of their stay at the Industrial School, are at home nearly as much as they are at the institution.

Placement and Parole: Students, consistent with their need, their behavior and their ability to conduct themselves within the law, are released from the institution as soon as possible. Yet rehabilitation begun at the Industrial School must frequently continue upon his release from the School. To carry out needed services, a Placement Office has been established in Salt Lake City; and a placement supervisor working out of the Industrial School covers the northern Utah areas. Placement supervision is provided in the outlying areas through delegation of this responsibility to probation officers in the Juvenile Courts.

Youngsters are usually under active supervision for six months to a year. If, during that time, satisfactory adjustment occurs, they are placed on inactive supervision and subsequently discharged. A student's placement may be revoked where law violations occur or where there is a breakdown within the family or school program. In these instances youngsters are returned to the agency.

Staff Development

Staff development at the agency is a systematic learning process designed for the purpose of increasing the competence of staff members. This must be done in order to assure highest quality services to the student in residence and on placement. Many in-service training programs have been developed and nearly all of the 140 staff members have had opportunity to refresh themselves on old skills and to develop new ones. Employees have the opportunity to participate in staff orientation sessions, lectures, workshops, community conferences and by attending college courses made available in both the agency and in colleges.

Research and Training

The Industrial School participates with the Graduate School of Social Work of the University of Utah in training of Social Work students. Other universities and colleges make use of our facilities to promote training of students in the field of corrections. Research is important and there are many projects and Master's and Doctoral Theses always in process. Ancillary to research and development, it becomes increasingly obvious that any agency requires methods to assist in effectively monitoring its operation. To this end a basic data acquisition, processing and "feedback" system has been developed during the past year. Information is obtained from key departments on special forms, punched on to color coded cards, periodically tabulated and put back into the ongoing institutional operation. Such a system permits increasingly rapid assessment of the individual student's progress, population trends, institutional needs, program effectiveness and a variety of other information as needed for research and planning.

Summary

This brief outline only begins to tell the story. The careful observer will find much more entering into the total rehabilitation effort. He will observe changes, some subtle, some dramatic, but always with a definite goal to continue to offer the most advanced, progressive and viable system of social rehabilitation possible. The citizens of this State expect no less, and the youngsters served deserve this at the very least.

Unit V

P E N A L S Y S T E M

(Section A - Part 1.)

Part 1. The goals of prisons and punishment in the past tended to be based on revenge and segregation from society whereas the goals of our penal systems today are moving towards rehabilitation and towards developing law-abiding citizens.

Part 2. Debate on Capital Punishment.

The student will study and discuss the information in the chapter which lists six types of punishment and will write a one-page essay either supporting or condemning capital punishment.

He will also discuss the features of revenge, segregation, deterrent, rehabilitation, social reintegration, and preservation of order as characteristic of the states' methods of treating offenders.

SUMMARY OF TEACHING PROCEDURES

(Section A - Part 1.)

The goals of prisons and punishment in the past tended to be based on revenge and segregation from society, whereas the goals of our penal systems today are moving towards rehabilitation and towards developing law-abiding citizens.

METHOD A: Stories of Different Purposes of Punishment and Prisons

After reading each story ask the class the questions described in the Explanation of Procedures.

Write down the purposes of the punishment that the class gives you and write it down under the heading "Purposes (or Goals) of Prisons and Punishment."

Ask the students why parents punish their children.

Then ask students what purposes or goals prisons in the United States today should have.

Optional - You can then give an assignment similar to Method B.

MATERIALS NEEDED:

1. "Stories of Punishment," page 177-78.
2. "Purposes of Penal Institutions," page 177.
3. "List of Punishments," page 183.

METHOD B: In-Class Assignment

Have students write a one-page description of the type of prison they would like to be in if they were a person with criminal tendencies who had to be put in prison. At the end of the assignment students are to describe how this prison would help someone to be a better person.

The next day, read interesting papers to class and have students classify the goals that each paper had for their prison.

Ask students if there are any other purposes that a prison should have.

1. See page 183.
2. See page 177-78.

METHOD C: Teacher Lecture

Develop lecture from materials on pages 177-185.	1. See pages 177-185.

NOTE: Material on page 177 can be used as a summing up activity for either Methods A. B. or C.

EXPLANATION OF PROCEDURE

METHOD A: Stories Describing Different Purposes of Punishment and Prisons

This activity should begin by reading each of the stories to the class. After each story, ask the class to tell what the main motive or purpose of each type of punishment was. Each story will typify the purposes of penal institutions as described on page 177 and they will be in that order. As the students give purposes for the punishment, write it down on the chalkboard under the heading: "The Purposes of Prisons and Punishment." After the stories have been read and the purposes listed, then ask the students which of these purposes should a prison in the United States work towards fulfilling. Also, ask the students why parents punish their children. This should then lead into a discussion that could be capped off by making an assignment due the next day that is similar to Method B below.

METHOD B: In-Class Assignment

On one piece of paper, have the students write a description of what type of prison they would like to be in if they were a person with criminal tendencies (i.e. disrespect for law and authority, disregard for other people's property, unwillingness to work within the system, etc.), who had to be put in a prison. At the end of the assignment have the students write short statements on how the prison they have described will help them to become a better person. The next day, after correcting these papers, read the more interesting examples to the class. Write on the board the various purposes that were listed in the students' papers. See if you have a relatively comprehensive list of purpose that prisons should serve as described on page 177.

A good question to ask about this concept would be: Could many of the goals that prisons are supposed to achieve be accomplished without sending the offenders to prison? This will lead into the next section on reforms in our penal system.

METHOD C: Teacher Lecture

An effective teacher presentation can be developed by presenting the material from pages 177-185 about how the role and functions of the penal system have developed. If the material is presented as it is written, many questions and comments from the class will make the topic more interesting and will, perhaps, add to the material already presented.

Related Materials A

PURPOSE OF PENAL INSTITUTIONS

Here is a listing of the purposes of the penal system from the more historical purposes to the more modern. Although it should not be in this organized of a fashion or in these types of words, students should list purposes of prisons and punishment along the following lines:

1. Revenge. This is the desire to get back at some person who has done something wrong or bad to you, your friends, or to your belongings. It gives many people satisfaction to see persons who have transgressed against them, get punished or "get a little of their own medicine." Some supporters of capital punishment feel our penal system served this purpose when murderers were executed. Revenge is inherent in the Biblical quotation, "an eye for an eye, and a tooth for a tooth." In fact, this is why governments got involved in doing our punishment several thousand years ago because there was much family warfare created whereby a member of one family transgressed against a person of another family, and then the entire family struck back to get revenge. Also, Vigilante groups of the American West served primarily this revenge purpose. Government had to step in to prevent mass bloodshed. Today, victims of crime get revenge through use of the state's penal system.

2. Segregation. Penal systems can also serve the purpose of separating someone from society who has demonstrated that they no longer deserve to be in society due to dangerous, violent, and/or anti-social tendencies. His effect on society is very much diminished by his incarceration.

3. Deterrence. Imprisonment serves two purposes of deterrence:

   1. It stops others from doing wrong when they see a person being punished for committing a wrong.
   2. Having been punished once for wrong-doing, a person will not do wrong in order to avoid undergoing punishment again. There is much controversy today on whether punishment and imprisonment actually deter persons from committing an offense. Many sociologists and psychologists feel there is little deterrent effect in harsh punishment. But many persons with practical experience such as law enforcement officers and prosecutors feel that consistent and relatively harsh punishments can decrease the crime rate as evidenced by the move in many states to reinstitute the death penalty.

4. Rehabilitation. This includes all measures that are designed to increase the criminal's capacity to satisfy his wants by legitimate and socially accepted methods. It involves restraining or education in order that the prisoner will have a skill that is in demand upon release. It involves any other measures that are designed to fit the person into society upon his release. This function or purpose of the penal system was not seen until the late 19th century. Although many of our prisons in this country have not totally accepted this as a goal for their institution yet.

5. Social Reintegration. This function of penal institutions has yet to be totally fulfilled by any institution, as of 1973. One of the main aims of penal systems should be to cut down the rate of people returning to the system once they have left the system. The most permanent way of accomplishing

this goal is to get ex-prisoners to feel accepted and also feel that they can gain recognition and approval in non-criminal social circles. Ex-criminals can gain skills in prison, but all is for naught, if he feels "at home" only with his delinquent and criminal friends. If you had prisoners visit your class in the Unit II activities, you probably heard the familiar refrain from them of how they got into trouble with their friends. The penal system must do much to increase the ex-convicts acceptance in constructive, law-abiding social circles. Part of this job is to have society more willingly accept the prisoners upon their release.

6. Administrative Objective. If you were the head of a prison, the goal with which you would be most concerned would be maintenance of control over the inmates and the prevention of escapes and riots. To the prison administration, they naturally feel most threatened by losing control. They are also interested in rehabilitation and in reform of the penal system but if they do not achieve control over the inmates they may not keep their jobs, and therefore will be unable to implement any other objectives that they may have.

Summary

Although many of us have abandoned the idea that the purpose of a sentence is to inflict pain and suffering on the wrongdoer, there are still some prisons that remain emotionally convinced that the prime function of the prison is to punish the criminal.

With more validity, other prison officials hold that the sentence should be severe enough to deter others from committing crimes. Some experts of penal institutions feel that some criminals need to be permanently segregated from society in order to incapacitate them from further crimes. And others feel that the sentence should be so formulated as to promote rehabilitation of the individual so that they may be contributors to society.

Related Materials B

REASONS FOR PUNISHMENT

In reading the following stories, ask these questions after each to help bring out the purpose of each type of punishment described:

1. What was the punishment that was inflicted?
2. What did the punishment accomplish for society, or what was the purpose that society had in inflicting the punishment?
3. Does society use the purpose mentioned in any form today? (Note actually our penal institutions do serve all the functions mentioned in Appendix A, i.e., revenge, segregation, deterrence, rehabilitation, and social reintegration. All penal systems achieve the three lower order functions (purpose), but not all have achieved the last two higher order functions).

After all stories have been read and the purposes for each punishment listed on the board, ask the students if there are any comparisons between the purposes for parents punishing their children and the punishments that a penal system inflicts on its convicts. You should then ask: What purposes should

prisons and punishment serve in our modern society?

Then, show the students the various punishments that are listed at the end of this section on the overhead projector, on the chalkboard, or on individual ditto paper. Ask the students the purposes or chief aim of each punishment. If it is listed on individual student papers, it should be as an assignment. Otherwise, it can be a class discussion.

NOTE: Read the following stories to the class. Do not tell them the purpose of the particular punishment, but let them tell you after they have heard (or read) the story.

I. (Revenge)

Misguel Estrada, age 19, lived in Southern Spain in the 16th century with his two younger brothers and a sister. One Sunday, Miguel's brother Christobal came home from the chapel and was bleeding profusely from his face. The worst had happened! His right eye had been poked out by two of Christobal's fellow altar boys. The two had become jealous of Christobal when Father Dominguez had shown "favoritism" in giving Christobal a better assignment. Scuffling had ensued, and the one altar boy had hit Christobal with a candle stick which had broken the fluid of his eye. The night Father Dominguez appointed a village committee and a trial was held. Although Father Dominguez took no part after appointing the committee, the committee decided that it was no accident and malice was intended. Their judgment was that the main assailant would lose his right eye and the other alter boy would lose his small finger. Christobal's brother Miguel was given permission to inflict the punishment. Miguel told Christobal to rest easy because he would do a good job.

II. (Segregation from Society)

Jean Monteer of France had met Robert Foster in 1837 along the coast of France adjacent to the English Channel. Foster had taken a boat from England in order to flee some British Constables due to two strong arm robberies that Foster had committed.

Monteer was no saint either in that he had stolen some money from a vegetable market in Lyons. After two days of socializing with one another they decided to join forces and rob individual soldiers on the soldiers' pay day. The soldiers were paid once a month and Monteer and Foster could stalk and rob between seven and ten soldiers in a two day period after pay day. This could keep them in good style for the rest of the month. During the third month one soldier pulled a dagger and Monteer had to come up from behind and hit him with a club. The soldier's skull was crushed and he was dead. Foster had decided that he had better go to England and apply his trade. Little did he know that in eleven years he would be sent to the penal colony in Australia as a hardened criminal, and Monteer by that time would have been for nine years in another part of the world, Devil's Island in French Guiana of South America.

III. (Deterrent)

In 1972, Libya became alarmed with the amount of lawlessness in their country. They decided to revert back to ancient Arabic law whereby severe penalties would be administered for even minor infractions. For instance, for thievery the offender will have one hand cut off; for robbery one hand and one foot will be cut off. Libyan authorities feel that recidivism (where ex-convicts return to crime) will be greatly reduced in that very few one handed, one-footed robbers would risk losing their other hand and foot. Plus, many people will not want to risk losing even one of their limbs.

IV. (Rehabilitation)

Mack Jones was 19 years old and three years earlier had dropped out of high school in the 10th grade. He had a job in a tire shop but the shop went out of business. Mack's parents made continual attempts to get Mack back in school but to Mack this was nagging. Mack tried for two and one half months to get a job, but very few employers wanted a person with only nine full years of schooling. Frustrated, Mack finally gave into the urgings of his friends and participated in a series of burglaries. Mack also got involved in taking drugs. After four months, Mack realized that he was "hooked." He began averaging one to two burglaries a night to help support his habit. Each night that he left home he told his parents that he was going to a job. It even got to the point that he told them he was working overtime. As he became more desperate, he became less careful and was caught. The judge put him on probation, but within a week, he was back burglarizing in order to buy drugs. He was caught within the next week. When the judge was informed by the probation officer that Mack was using narcotics, the judge sentenced Mack to the state's narcotics treatment center. Upon release, Mack was then to be paroled under close supervision. A stipulation of the parole was that Mack would go to the state's technical training center for a two year course in the trade of his choice. His tutition was to be paid by the state. Upon receiving a job, Mack is to pay back all tuition costs to the state.

V. (Social Reintegration)

In Texas, some prisoners upon parole release go through a series of transformations from high security prison to a half-way house to a "buddy system" The half-way house is where the inmates stay at night and are to stay there everyday after work. On weekends the prisoners are given more latitude and can even spend time at home. The half-way houses are located in several Texas cities.

Upon parole, the parolee is assigned a local citizen to help introduce him to various affairs in the community. In many cases the parolee becomes a member of the local Jaycees or some other community affairs group. The parolee is forbidden association with any former felons. The buddy is a volunteer who only attempts to deal with the parolee on a person to person basis. If the parolee has any problems, he goes to his buddy. If any difficult problems arise, the buddy then brings in the parole supervisor for that geographical area. The buddy's main objective is to enable the parolee to be adjusted to society through normal courses so that he can relate effectively with average citizens, and also to prevent him from associating only with persons having criminal tendencies.

VI. (Administrative Objective:
Preservation of Order)

Here are some excerpts from Time magazine news articles pertaining to the Attica prison riot. It gives the indication that a prison official comes under much verbal fire if he does not maintain control over the inmates.

Time, September 27, 1971.

"Attica will evoke the bloodiest prison rebellion in United States history. It will take its place alongside Kent State, Jackson State, My Lai and other traumatic events that have shaken the American conscience."

"The convicts also complained about the stern discipline of Superintendent Vincent Mancusi, an unimaginative, old-school warden who seldom spoke to his prisoners and apparently resented the heat he was getting from his superiors. . . .This pressure was also resented by veteran guards, mostly country folk from upstate New York, who felt that they were losing control over the prison population.

Time, October 11, 1971.

"Correction Commissioner Russell G. Oswald announced last week that he was seeking to create a super maximum security prison for the most rebellious and incorrigible inmates. Equipped to house 500 prisoners, this 'mini-maxi' would be relatively small and spokesmen for the guards' union insist that those assigned to it must be armed."

The above excerpts suggest that administrators' jobs are mainly concerned with maintaining order and control. Many administrators do not go along with modern penal reform because it usually involved putting prisoners more on their own. Little pressure is applied if penal institutions do not develop rehabilitation programs, even though they are not helping the inmates to refit in society. But much pressure is received if there are too many escapes or if a prison riot occurs.

Warden Walt Sweeney felt tired and haggard as he dragged himself into his office at 9:00 a.m. The riot had ended, but for Warden Sweeney the drudgery was just beginning. He did not even feel like coming to work today because he knew when he got up that it was going to be a bad day. Sweeney had been hired as warden four years ago as a person who was an expert in penal reform and rehabilitation programs. His new programs had shown signs of success. Sweeney was especially proud of his work release and education release programs by not returning to the prison at night during the three years of the program's existence. Sweeney had even relaxed internal control of the prison by letting prisoners have more freedom of movement and responsibility for their actions.

The phone rang at 8:03. It was the governor calling already. The governor began abruptly:

"Walt, what's the damage down there?"

"Well sir, the cafeteria and kitchen, where the riot started, is almost completely stripped and gutted. The main rioters went to the auditorium. They burnt the curtains in trying to burn the place down. But we got things in hand before it went too far."

"What about injuries?" asked the governor.

"We have four of our guards and two of our psychologists in the hospital, but they should be out today or tomorrow. We have some prisoners that got banged up, but we treated all of them at the infirmary."

"Walt," replied the governor, "I've been getting a lot of pressure from all sides about our prison situation and this riot last night will be the last straw for a lot of them. I hate to be putting the pressure on you, but you must take steps to make sure there are no further disturbances, plus I don't want any more escapes."

"But governor, if I take steps to guarantee total control, it will cut down on our chances to help a lot of the inmates that can be helped."

"I know, Walt. But couldn't you give a news release to the press this afternoon that would let the public know that you are going to take things into full control and that there won't be a threat of anything like last night occurring again."

When the conversation ended, Warden Sweeney considered that maybe the press release ought to be an announcement of his resignation. He guessed he would have to abandon many of his ideas of penal reform in order to insure tight-fisted control of all prisoners' activities. Sweeney even realized that last night's riot may have been nipped in the bud if more guards had been supervising the cafeteria, but he had wanted the prisoners to be more responsible for their own behavior.

Therefore, Warden Sweeney began to prepare his press release with feelings of disappointment for ideals he had held for thirty years of prison work, but in a way he felt relieved because his job would now be more orderly and relaxed. It would be easier to be a hard-nosed warden than an innovative, reform-minded one.

Related Materials C

TYPES OF PUNISHMENTS

After each "punishment" tell what the chief purpose of each punishment is as mentioned in Related Materials A: the six reasons for punishment on page 177 . Some of these "punishments" are ancient and some are modern penal techniques. This activity can follow either Methods A. B. or C.

Whipping Post - Many towns and villages around the world had their local whipping post. Both child and adult offenders were assigned so many lashes for wrong-doing. Delaware had floggins until 1952.

Disfigurement and Branding - This type of punishment might involve cutting off limbs or appendages or putting brands on the body such as branding "SL" on the face bar "seditions liar" or a "T" on the forehead and down the nose for "thief."

Mark System - Prisoners are given points for performing approved behavior. After accumulating so many points they can move to minimum security and eventually parole.

Solitary Confinement and Penitence - Wrongdoers are segregated from all other prisoners. In many cases, there were no provisions for exercise. The person was to sit and think about his wrongdoing.

Ostracism - The wrongdoer might receive physical punishment but not be jailed. The rest of the village would then avoid all social contact with the wrongdoer.

Execution - Most societies have made provisions for eliminating criminals committing what was considered heinous crimes, although in some societies, minor thefts were punished by execution. The methods varied from decapitation, hanging, being pushed off cliffs, having heart cut out, forced drowning, burning, electrocution, gas, etc.

Exile - Major offenders were sent to isolated places where escape was difficult. In many cases it required little supervision. Britain used Australia, and France used Devil's Island in French Guiana for this purpose.

Silent System - Prisoners slept in individual cells but worked around other prisoners. Many guards were present to prevent any talk between prisoners. Any conversation could result in a severe beating.

Occupational Training - Most prisoners lack much education as training. Therefore, many state penal systems have various vocational training programs, a high school diploma program, and some prisoners are even allowed to leave the prison grounds and attend a university during the day.

Buddy System - In some states a prisoner is assigned a person in the community to help in getting involved in community activities. This may involve going to church together or work on a Jaycee project, or something else of that nature.

"Eye for an Eye" - Any type of punishment that the victim had suffered was to be suffered, usually more severely, by the offender. In many cases the suffering was to be double. If the offender stole or caused the death of farm animals, he had to replace it with two animals of the same kind.

Forced Labor - Many societies provide or have provided some useful task. Prisoners work or have worked in mines, rock quarries, ocean galleys (rowing), agricultural farms, metal shops, paint shops, furniture shops, etc.

Probation and Parole - Many penal systems permit some convicted persons from not having to go to prison (probation) or to let them out of prison early on good behavior (parole). The persons are put under close supervision in both their occupations and in their social life.

Group Therapy - Where prisoners gather together and discuss why they are each in the situation they are in. Also, prisons allow prisoners some self-government in the internal affairs of the prison.

SUMMARY OF TEACHING PROCEDURES

Debate of Capital Punishment

(Section A - Part 2.)

Students will participate in the following debate: "Resolved: Capital punishment should be reinstituted into the American Penal System."

Activities to be performed: Teacher needs to decide in what order these activities will be performed. There are major merits for doing it in any one of various ways.

METHOD A:

Get volunteers for debate on extra-credit assignment.

Give volunteers the "Basic Information Sheet."

Send students to library to research their side or give students the "pro" or "con" list according to which side they are on.

Stress to students their responsibility of refuting the points given by the other side.

Have class read story about the personal feelings of people on death row. Then refer to last page of Related Materials F, which refers to Lance and Kelbach murders.

Begin debate.

MATERIALS NEEDED:

1. Related Materials D, page 185 "Basic Information Sheet."
2. Related Materials E, page 189 , "Pros and "Cons of Capital Punishment."
3. Related Materials F, page 190 , Gerald Gottlieb's article which sympathizes with feelings of condemned prisoners.

EXPLANATION OF PROCEDURE

Debate on Capital Punishment.

This enrichment activity can be an excellent exercise to get students involved and excited. It works out well because it deals with a subject with which students have a stand and with which they get excited and upset enough that they will do further research. It is also a subject with much emotional impact.

One way to begin this debate exercise is to have the class read the story by Gerald H. Gottlieb, starting on page 190. After reading this story, enough interest will be developed that you normally should have enough volunteers for a debate.

Another way would be to briefly introduce the subject of capital punishment, then ask for volunteers for an extra credit panel debate assignment. In this instance, use the story as an attention getter just before the panel debate begins. This should be an extra-credit assignment where only the motivated students should participate. Do not force any students to participate, although a shy student might need only a little encouragement to participate.

After you have your student volunteers, you can give both the proponents and opponents of capital punishment time to study the material in this chapter on page 186. If you have sufficient time you should then send both sides to the library for research. If you wish to condense the time devoted to this activity, you can give the proponents the "pro" sheet of capital punishment and the "con" sheet to the opponents of capital punishment. These lists give most of the advantages and disadvantages of capital punishment and the students can develop their side of the debate presentation from this sheet. The pro and con sheets can be useful for teacher resource even if the panels go to the library and do not use this "pre-distilled" information. A major responsibility of the debate panel will be to refute the arguments of the other side.

The form of the debate can be left generally up to the desires of the teacher and the situation of the specific class involved. But basically the debate should consist of the following activities:

1. Presentation by all members of the panel of proponents for capital punishment.
2. Presentation by opponents of capital punishment.
3. Alternating refutations by proponents and opponents of capital punishment. You may want to limit time during this portion of the debate.
4. Questions from the rest of the class. It is best not to permit questions or interruptions during the first two sections of the debate.

There can be much elaboration and modification of the above procedures.

CAPITAL PUNISHMENT

Basic Information Sheet

1. In 1972, the United States Supreme Court voted in a 5-4 decision to strike down the death penalty, this lifting the threat of execution for 598 men and two women throughout the nation. (364 of these were non-white.) These 600 cannot be executed even if the death penalty is reintroduced by the state legislatures. The majority five were all veterans of the Warren Court, whereas the minority four were all Nixon appointees. The basic reason for the majority opinion was that the death penalty was discriminatorily used in that a few committing a certain offense received the death penalty whereas others committing the same offense got off with life imprisonment or less. State legislatures can reintroduce the death penalty if it is for a specific crime, and is uniformly applied to all convicted of a particular crime. In other words, it can be constitutional if applied evenly to all people. Therefore, your debate topic shall be:

Resolved: Capital Punishment should be reinstituted into the American penal system.

Overview

2. Capital Punishment:

Forms: Burning at the stake, stretch or torture rack or wheel, water-wheel, guillotine, axe, public dissection, barotte (collar around neck that is screwed tight), hanging, gas (usually cyaninde), firing squad, electrocution, "pulling asunder," boiling in oil, burying alive, sawing in half, and being pressed to death, etc.

a) Britain had 223 crimes punishable by death as late as 1819. Between 2000 and 3000 persons were sentenced to death each year. Throughout England, the rotting corpses of executed criminals dotted the countryside, a grim warning to other would-be wrongdoers. A death sentence being given to seven men convicted of treason in 1812 went as follows:

"That you and each of you, be taken to the place from whence you came, and from thence be drawn on a hurdle to the place of execution, where you shall be hanged by the neck, not till you are dead; that you be severely taken down, while yet alive, and your bowels be taken and burnt before your faces ... that your heads be then cut off and your bodies cut into four quarters, to be at the King's disposal. And God have mercy on your souls!"

b) Total legal executions in the United States since 1900.

1900-1929	...	3,369
1930-1966	...	3,857
1967	...	2
Total	...	7,228

(Quoted in G. Ryley Scott, The History of Capital Punishment, 1950, page 179.)

c) Many Americans feel that we have become a more violent society. But in 1933 there were 12,124 homicides for a murder rate of 9.6 homicides per 100,000 population. In 1965 there were 10,712 homicides with a rate of 5.5 homicides per 100,000 population.

d) Methods in United States (Prior to 1972 Supreme Court ruling).

gallows ... 4 states
gas ... 10 states
electrocution ... 19 states
hanging or shooting ... 1 state (Utah)
abolished capital punishment ... 16 states

3. Frequency in United States

a) 1930 - 1960 there were 3,724 executed in the United States.

1. Thirty-one of the total were women.

2. Type of offense:

murder ... 3,225
rape ... 434
armed robbery ... 23
kidnapping ... 18
burglary ... 11
espionage ... 8
aggravated assault ... 5

3. Sixty percent of the above executions took place in 17 southern states (Georgia accounted for 358 by itself).

4. Nonwhites made up the following percentages of those executed:

50% of those executed for murder;
90% of the rapists; and
46% of all other executed.

5. Only 31 were executed under federal law:

murder ... 15
rape ... 2
armed robbery ... 1
kidnapping ... 5
espionage ... 8

6. No one has been executed since June 2, 1967.

7. Between 1930-1967, 2,066 negroes and only 1,751 whites were executed.

4. Army and Airforce carried out 159 executions in the same 1930-1960 period.

a) 148 of these in the same 1942-1950 war and post-war period.

b) Murder 106, rape 52, desertion 1.

c) The Navy has executed no one since 1842.

5. There has been a decline of the death penalty throughout the world over the past two hundred years.

a) Reason for decline:

1. Democratic Movement;
2. Humanitarianism;
3. Age of Enlightenment;
4. Labor Movement; and
5. Increased awareness of the worth of the individual.

b) By 1800 most tortures were abolished in the world, and capital executions were quick deaths rather than slow tortures.

1. Although Britain had 223 crimes punishable by death in 1819 (2000-3000 executed yearly in early 1800).

c) The trend began for alternatives to the death penalty with many nations completely outlawing the death penalty in the 20th century:

Great Britain, Canada and West Germany.

Related Materials E

CAPITAL PUNISHMENT

Pro

1. A murderer who takes another human's life forfeits his right to live.
2. When someone is executed, this demonstrates to others the severity of punishment and will decrease the number of capital offenses.
3. Prison staffs are overburdened and their lives endangered when they have to keep killers incarcerated for life. "Lifers" are in for the maximum and they cannot be punished any more severely.
4. Without capital punishment there is little difference between punishment for armed robbery and punishment for murder. Many armed robbers kill in order to lessen chances of being caught because punishment is no different.
5. Why spend $3,000 or $4,000 a year to keep a ruthless murderer.
6. A cold-blooded murderer should not be permitted to return to society.
7. Capital punishment would be a deterrent if it were administered in a sure and certain manner. In the last four years (1969-72), we have had more than 50,000 murders but not one execution. In short, if it were used, it would stop others from committing grisly crimes.
8. The death penalty is not cruel and unusual punishment as outlawed by the Eighth Amendment. If the framers of the Bill of Rights had been against the death penalty, they would have written it out specifically. The death penalty was common in the 1790 period. "Cruel and unusual punishment" refers to tortures being inflicted upon the accused or the convicted.
9. Genesis 9:5 "... whoever sheds human blood, by human hands shall his own blood be shed...."
10. Deuteronomy 32:39 (paraphrased), God, as the creator of man, and as supreme life-giver, has authority to take one's life if it is misused or abused. It reads that after the deluge, God also permitted human government--human beings--the use of the death penalty for particular crimes.
11. Exodus 21:12 "He who strikes a man, so that he dies, must be put to death."
12. Exodux 21:14 "Only if one man willfully attacks another, to murder him craftily, you must take that man from my very altar and put him to death."
13. Any man who calculatingly takes another person's life and causes anguish on the part of the victim's family had better be ready to inflict a worse anguish on his own family.
14. Capital punishment is less cruel than lifelong imprisonment.
15. Capital punishment is not intended to be comfortable or easy on the convicted. Those that stress the agonies of those awaiting execution are right, but whoever said that an execution should be pleasant.
16. The complete abolition of capital punishment may cause the return of blood feuds between the family of the victim and the murderer. If the state will not do anything, then the family will.

Related Materials E

Con

1. Man has no right to take another's life, the Creator gives and only He can take.
2. To execute, makes you no better than the killer.
3. A person that kills either does not care that he will be caught and executed or does not plan on being caught.
4. Capital punishment does not deter or stop criminal behavior any better than life imprisonment.
5. If an executed person is later found innocent, there is no way to bring him back.
6. Life prisoners can be made to be economic assets rather than liabilities.
7. The application of the death penalty is so unfair in that it is administered mainly to poor, non-whites, and the defenseless.
8. Capital punishment does not appear to have a specific influence on the amount or trend of the kind of crime it is supposed to deter people from committing.
9. Capital punishment puts an undue burden on the decision of juries, judges, and pardoning authorities.
10. The rate of return to prison is low. Prisoners serving sentences for robbery, burglary, or theft that are paroled are later convicted of new crimes 10 to 15 times more often than are paroled murderers. The least likely repeater of all prisoners that are released is the murderer.
11. The death penalty is "cruel and unusual punishment" and is outlawed by the Eighth Amendment of the Bill of Rights.
12. The first murder in the world was performed by Cain and his punishment was not murder, but was exiled to the wilderness.
13. A murderer acts in passion, fear, or insanity, but the punishment is carried out in calculating cold blood.
14. Capital punishment is a barbaric hold over which an enlightened society should abolish.
15. Why is the state so ashamed of its process that it must kill at dead of night and in an isolated place away from public view?
16. Capital punishment brutalizes society and cheapens human life.
17. Society is based on the inherent dignity of man; anything that undermines that dignity, such as a public approved execution, must be viewed as abhorrent.
18. The fatal execution does not hurt the condemned alone: his wife, his children, his mother, his father all share his anguish. In killing him, you vitally injure all his family.
19. There have been no lynching problems in states that have abolished capital punishment, but only in those states that have the highest execution rate is where problems of lynching have existed. This is because society is brutalized by one act of violence (execution), into committing another act of violence (lynching).

Related Materials F

CAPITAL PUNISHMENT

The following description can be read by students in order for them to get a "feel" for what capital punishment actually means to a person. It can be read at the beginning of your activities on capital punishment to help stimulate interest. The students should be forewarned that it is written by a person who is for abolishing the death penalty. The description is by Gerald H. Gottlieb, writing in a pamphlet about capital punishment published by The Center for the Study of Democratic Institutions.

Let us look at some descriptions of scenes on "the Row" at San Quentin Prison as recorded by a warden, a chaplain, and a doctor of medicine who attended the inmates for several years.

In 88 Men and 2 Women, Warden Clinton T. Duffy describes the first execution after he took over his job--that of George Costello. Three days before his scheduled execution, Costello slashed his throat with a razor blade. This necessitated a postponement. Dr. W. P. Goddard wrote the warden that "while Costello would probably be able to mount the scaffold on schedule, the wound would open when he dropped, considerable hemorraging would result, and the doctor could not guarantee that the head would not be completely severed." The Governor granted a reprieve for the sole purpose of giving him time to recover sufficiently for an execution that would be too messy."

Some of Duffy's subjects marred the quietness of the "perfect execution:" the condemned do not always die gracefully. He describes a prisoner named Northcott at a period before Duffy became warden and was Warden Holohan's secretary. Northcott claimed to have taken poison but, as it proved, he was just "scared to death:"

"... 'Must I see it all?' Northcott asked. 'Can't I have a blindfold?' The warden, his face ashen, nodded, and a black cloth was wrapped around the boy's eyes. His hands shook so much that it took two guards to hold them in position long enough to be strapped together."

"He was utterly petrified...."

"Behind me, I heard him sob, 'Please-don't make me walk so fast.' I didn't have to turn around to know that the guards were dragging him. He was almost limp when they reached the foot of the gallows. As he was carried up the thirteen steps, he let out a succession of hoarse cries which increased in intensity until the big room sounded like a madhouse."

Former Row Chaplain, Byron E. Eshelman, wrote in Death Row Chaplain, of the execution of Robert Pierce, who was about 24 at the time of his arrest for the murder of a cab-driver. (The robbery had netted him about seven dollars.) Pierce had spent three years on the Row and had no secret of the fact that he planned to "die hard." The day before his "last elevator ride," Pierce kicked the toilet loose from his cell wall. He was placed in isolation.

The next morning, the Chaplain approached Pierce's cell. The condemned man was covering his face with his hands, then looked up and grinned.

"Blood was pulsing from his neck," wrote Chaplain Eshelman.

A medical officer and a lieutenant of the guards hurried into the cell and Pierce tried to fight them off.

"They pinioned his arms, discovered a four-inch gash across the right side of his throat, all the way up to the ear."

The Warden ordered four guards to drag Pierce from the holding cell and carry him into the gas chamber. He fought all the way down the corridor, screaming, "Lord ... you know I'm innocent."

Blood sprayed from his neck as he was carried inside the gas chamber.

"I'm innocent,' he screamed at the witnesses. 'Don't let me go like this. Oh, God!'"

"Two witnesses got sick and had to leave."

Leandress Riley, too, had aroused concern that he would die badly. When the final hour arrived, a guard unlocked the cell. Riley gripped the bars with both hands and began a long bone-chilling, wordless cry. The guards pulled him from the bars and stripped off his shirt and trousers. His flailing arms and legs were forced into a white shirt and blue denims.

The deep-throated cry continued, alternating with moaning and shrieking. Riley was carried to the gas chamber, fighting and writhing all the way. Using all their strength, the guards held him while the doctor taped the ends of the stethoscope in place.

The tension aroused in a condemned man awaiting the approach of the fatal hour is intolerable; often he chooses suicide as a solution to the anxiety and despair. A year after Pierce's execution, Eshelman writes, Oscar Brust, condemned for killing his wife and 16 year old stepson, slit his throat with a piece of mirror the day before he was to go downstairs. Ralph Rogers, known as "Little Navajo," jammed the lock of his cell with cloth, tied his mattress ticking to the ventilator grill, twisted the other end around his neck and hung himself by stepping off the toilet seat. Boyd Van Winkle awaited his execution in the prison hospital. Each night he was given a sleeping pill. He "tongued" his pills until he had saved a lethal dose, then took them all one night. He never recovered from his coma.

Others, unable to stand the waiting, go insane. In the San Quentin Story, Warden Duffy discusses the case of Edwin Walker: "I shook Walker gently and spoke to him. He shrank from my touch and stared at me, but there was no recognition in his eyes. He seemed to be in a state of profound shock; his lips moved, but made no sound.

"... The next morning, with the official witnesses waiting outside the gas chamber and the executioner standing by seven consulting psychiatrists crowded into the little death cell to look at a broken shell of a man. Walker was mumbling to himself, crawling like a whipped dog on the floor, and hiding his head under a blanket. At intervals he burst into tears, and jumped wildly at the slightest touch. The doctors were unable to make him talk, and at 10:00 a.m. the hour set for Walker's death, they signed a statement declaring he had gone insane...."

For the condemned who can survive anxiety and despair while awaiting his hour without attempting suicide or going completely out of his mind, there is a final involuntary humiliation. Again and again, those about to be executed

experience a loss of control of the sphincter muscles and find, to their horror, that they have soiled themselves. A natural relaxation of these muscles is a result of death; but for it to occur in advance of it, can only be explained by the presence of uncontrollable and inordinate fear.

Dr. William F. Graves, during his period of service as a medical officer at San Quentin, made some 50 visits on the Row, examining each condemned inmate to determine his physical and mental status and to recommend any treatment that might be needed. In an interview he told me that at the end of this service he was left with the clear conclusion that, although the professional and custodial staff of the institution exert every reasonable and honest effort to make Death Row tolerable both to its inmates and to the staff, its grim mechanics turn it into a form of punishment as cruel as any man has yet devised.

Death Row is a shock, he said, for nearly all of the inmates placed there. For those with a potential for growth and rehabilitation, the shock may actually cause the inmate to think seriously for the first time in his life, to learn to read and write, to understand the world about him better. In these cases, the cruelty of Death Row and of capital punishment lies more in a fact that we are then executing not the original criminal but a redeemed man. In more cases, however, the shock of Death Row results in accelerating the processes of mental deterioration.

Dr. Graves cited the case of Henry Ford McCracken, a man whose tiny head caused Graves to regard him as a probably microcephalic: "during his stay on Death Row, McCracken became no more than a vegetable. On one occasion, I found him wallowing on the floor of his cell in his own excreta babbling incoherently. I arranged to have him transferred to the prison hospital where he was given electric shock therapy--this to bring him to a point of sanity at which he might be considered able to understand that he was being punished at the time of his execution."

Graves commented that others intelligent enough to understand their state fought furiously, both mentally and emotionally, against it: "I remember Gilliam. When I saw him first, seated at the rear of his cell hunched over his small table with great beads of sweat literally pouring from his face onto the open Bible he was studying, I was accompanied by a prison official who handed him a court document.... He took the document. The attendant attempted to console him. This was quite fruitless. He returned to his Bible to literally sweat out the remaining few days before the date scheduled for his execution. As I recall it, he did eventually receive a brief stay, only some weeks later to again, go through a similar period of agony in expectation of the State's taking his life on an appointed day at an appointed hour."

SUMMARY

Now refer to the items below which can bring back some of the balance on the view towards capital punishment.

The excerpt you have just read may have a strong effect on students. You should stress that this excerpt relates to the criminals and not to the victims and their suffering. Most people who were put on death row in the late 1960's and early 1970's (prior to the Supreme Court ruling banning most forms of capital punishment) were sentenced because the method of their crimes was so brutal and cold-blooded.

Reference could be made to the murders committed by Myron Lance and Walter Kelbach. These two persons kidnapped and killed service station workers, killed a cab driver, and killed others in a shoot-up in a bar. In interviews over KUTV and the NBC network, these two convicted murderers, with grins on their faces, described how they let the service station workers know they were going to die so they could see them squirm. Then they recounted how they slowly began cutting them up while the victims were pleading and still alive. The one murderer mentioned that he had had previous experience in the dissecting of small animals and that he applied this knowledge in committing the murders of the service station attendants.

Unit V

Penal System

(Section B)

OBJECTIVE: The student will list the attitudes of prisoners in the Utah State Prison and participate in class activities to understand prison life as it affects the prisoners.

SUMMARY OF TEACHING PROCEDURES

(Section B)

Prison life affects each prisoner in a different way.

METHOD A:

Read the stories to the class.

Have the students make a list of the attitudes which are evident in the stories.

Divide the list into positive and negative attitudes.

Discuss why there are positive and negative attitudes.

MATERIALS NEEDED:

1. Related Materials A, pages 196-200.
2. Related Materials B and C, pages 200-201.

METHOD B:

Divide the class into groups.

Hand out several stories to each group. Have the group report to the class the prisoner attitudes they found in their assigned stories.

Divide the list into positive and negative attitudes.

Discuss why there are positive and negative attitudes.

1. Related Materials A, pages 196-200.
2. Related Materials B and C, pages 200-201.

METHOD C:

Hand out several stories to each student. Have each student make his own list of prisoner attitudes found in the stories given to him.

Through class discussion, make a list of the prisoner attitudes.

Divide the list into negative and positive attitudes.

Discuss why there are positive and negative attitudes.

1. Related Materials A, pages 196-200.
2. Related Materials B and C, pages 200-201.

EXPLANATION OF PROCEDURE

Prison life affects each prisoner in a different way.

METHOD A: Read the stories on prisoner attitudes to the class. The teacher could do this or several students could be assigned to read. After each story or after several stories, ask the student to list the several attitudes of the

prisoners. These are the attitudes the prisoners express or seem to express in the stories. Record these attitudes on the board or on an overlay. After the list has been completed, have the class divide it into positive and negative attitudes. By dividing the list into these two parts, it can be pointed out that prisoners are affected differently by prison life. After the list is divided into the two parts, ask the students why there are so many different attitudes about prison. Refer to the explanation for prisoner attitudes, page 200 as a guide for this discussion.

METHOD B: Divide the class into small groups. Hand out several stories to each group. Have the group pick out the different attitudes the prisoners express in each story. Also have the group divide their list into positive and negative attitudes. Ask the groups to explain as best they can why they feel a prisoner may have the positive or negative attitude he seems to express in the story.

After the groups have reported, refer to the explanation of prisoner attitudes, on page 201 to add anything else that may have been overlooked by the groups.

METHOD C: Run off the stories of prisoner attitudes in multiple copies. Give each student several stories to read and evaluate. Assign the student to make a list of the attitudes he finds in each story. Next have the student divide his list into positive and negative attitudes.

Several students could be called onto report their findings or a general class discussion could be held to put together the findings of the class. After the negative and positive attitude list is compiled, ask the class why some prisoners have negative attitudes while others have positive attitudes. Refer to the explanation of prisoner attitudes, page 201 to add to this part of the discussion.

NOTE TO TEACHER: The reason for developing a list of both negative and positive attitudes is to get the student to realize that a prison can help some people, but yet do nothing but embitter another. (This idea could be stressed further by briefly discussing different student attitudes toward school.) The student can better understand this concept as the class discusses why a prisoner develops his attitudes toward prison the way he does. By considering background, personality, and motivation, the student should realize that a prison is different to different prisoners.

Page 203 contains information on the Utah State prison population compiled in June, 1972. This information could be used to better understand the prisoner population.

Questions to consider for student assignments

A prison keeps the criminal out of society. Can a prison therefore be expected to help a prisoner learn to live within the rules of that society? Explain your answer.

Related Materials A

CASE #1

Bill
Age 41
Total time in prison 10 years
Has been in twice for forgery

Bill committed forgery to get money to support his need for alcohol. When he first came into prison, he had no desire to cure himself. He did not feel he was an alcoholic. But as time passed, he began to learn more about religion from the prison chaplain. He began to realize that he needed alcohol because he felt very insecure and inferior. He requested and received a family who visited him once every week. With the family's help and encouragement, Bill began to attend the high school program in prison. He learned he had talent in writing so he began to write poetry and short stories for his visiting family. He next began to take courses in auto mechanics to learn a trade. Bill is now looking forward to getting out of prison, get a job, and helping kids to stay out of trouble. By the time he is released from prison, he will have graduated from high school, prepared himself for a trade (auto mechanics), attended AA and controlled his desire for alcohol, and developed a desire to help others stay out of trouble.

CASE #2

Larry
Age 20
Second degree burglary
15 months in prison

Larry felt he was not as good as other people. He often felt depressed and inferior. He would, therefore, take drugs and alcohol to bolster his self image and fit in with the crowd. He turned to house burglary to make money. He would always drink heavily in order to have courage to carry out the job. He stole from about 25 houses.

Larry felt lost and very scared when he first came to prison. He tried to get as busy as he could. To begin with, he did not develop any close relationship with anybody. As time went on, he developed a close relationship with several other prisoners. His friends helped him develop more self confidence. They told him he was as good as anybody. This helped Larry build up his self pride. Larry learned how to cook in prison. He therefore received a job offer from one of the Salt Lake City cafes for when he would get out in 3 1/2 months.

Larry has a family visit him once a week. They would talk about religion and the things Larry wanted to do after prison. This family also helped Larry develop more self pride.

Larry is looking forward to getting out because he has his wife and child and a job waiting for him.

CASE #3

Jack
Age 26
Illegal use of explosives (used explosives to destroy a building)
4 years in prison

Jack's original sentence was only 18 months but because he caused trouble in prison his term was extended to four years. Jack seemed to rebel against authority. He felt the state had no justification to take four years of his life.

Jack does not like the guards because "they treat people like animals." He does not trust the guards or feels they trust him. He feels the only difference between convicts and guards is that convicts are caught at the crimes, guards are not.

Jack has been able to talk to groups visiting the prison. He likes this contact with people because "I can tell it like it is." He has also taken courses in electricity and wants to get into the trade when he gets out.

CASE #4

Jim
Age 27
Burglary

Jim has been in prison or state school three different times, each time for burglary.

Jim has been in prison for a total of 11 years. He said "the state has raised me but has done nothing to help me." In prison Jim has been told when and how to do things. Jim feels he needs to learn to live on the outside, but cannot "because I have no control over my life in prison. Somebody else is always telling me what to do. This has not helped me learn to make decisions." When he gets out of prison, he goes back to his old friends and eventually gets into trouble again.

When Jim has problems or gets into trouble, he does not feel he can talk to the guards or counselors. "I don't bother them and they don't bother me."

CASE #5

Frank
Age 29
18 months in prison

Frank has been in three different prisons. He was first in Georgia, then Connecticut, now Utah. He was convicted for burglary and forgery.

When he was in the Georgia prison, he was embittered by the experience. He felt the guards were uneducated and unable to help him.

The prison in Connecticut was modern but had few if any programs that he felt could help him.

Frank said the Utah prison experience has helped him find himself. He has gone back to school in prison and obtained his high school education. A family has been visiting him once a week to share their time and experiences with him. Frank feels the family really cares about him. He states, "their visits are a pure act of love."

CASE #6

Tim
Age 31
17 months in prison

Tim, a black, was formally in the Cook County Jail in Illinois.

Tim does not like to be detained in prison. He would like to be out living life as he likes.

Being a black, Tim feels he is discriminated against in that whites seem to get the better assignments easier. Yet Tim feels he has received good training in auto body and plans on using this as a trade when he gets out.

CASE #7

Jerald
Age 27
17 months in prison

The first time Jerald was in prison he was very bitter. He blamed the police, courts and prison guards for his plight. He did not feel the guards were at all qualified to do their job.

After he was released from prison, he did not feel accepted by society. He again started taking drugs. Eventually drugs cost him $160 a day. He started to steal to support his habit. He was caught, convicted and returned to prison.

The school time in prison was different for Jerald. He became involved in different programs which were not available to prisoners during his first sentence. He went with other prisoners on speaking engagements. He was allowed to go home for brief visits. All of this was possible because of Jerald's positive behavior and attitudes. Jerald began to realize what he was missing by being in prison. He desired more and more to get out of prison and make something of his life.

CASE #8

Walt
Age 31
2 years in prison
Sentenced 10 - life on second degree murder

Walt feels there are good education programs in the prison but that there are not enough jobs for everybody. If a person does not have a job, he cannot make any money. Without a little extra money, a person cannot buy the little extra's he needs and wants.

Walt has no family in the state of Utah. Therefore, nobody comes to visit him. He wants somebody to come and visit him; somebody to write to him.

Walt said that many convicts will do anything just to get out of the prison for a short period. He states further that some will even get into fights and get hurt so they can leave the prison and go to the hospital.

CASE #9

Sterling
Age 49
11 1/2 years in prison for armed robbery

Sterling has been in prison for a total of 27 years.

Sterling was considered a hard core prisoner for many years. He was bitter against everything. This bitterness along with his hot temper kept getting him into trouble. He had no interest in anything but causing trouble. Most of his early years were spent in the maximum security section because he was considered a trouble maker.

About two years ago Sterling got a letter from his sister. The letter stated that she and the rest of the family did not want any more to do with him; that they would not write to him or visit him any more. This made Sterling mad, but started him to think about his own life and future. He decided he would show people that he would make good. As Sterling's attitude changed, he was transferred into minimum security. He volunteered for the prison's speaking programs.

He was not able to express himself to others. As time went on he began to see that the bitterness he felt earlier, was a result of his own hostilities. He feels that people (convicts and guards) now respect him and he respects them. By trade, Sterling is a painter, and is now looking forward to getting out of prison and setting himself up in business in Salt Lake City.

CASE #10

Don
Age 26
1 year in prison
Armed robbery

Don likes the schooling available in prison. He finished high school then and took courses in electrical work and refrigeration. More important, Don feels that other convicts have taken the time to help him help himself. He feels trusted both by the guards and convicts. This has given Don an increasing feeling of self-confidence and pride. He now feels confident in making decisions that earlier he was afraid to make.

CASE #11

Don
Age 20
2 1/2 years in prison
Burglary

Don has been in two different reformitories in New Mexico and the Kansas City Jail. He committed, burglary, robbery and forgery.

Don committed his first crime when he was 7 years old--burglary. He left home at age 9 because he did not get along with his parents. At age 18, Don was sentenced to the Utah State prison for burglary.

Don admits to learning more about crime in prison. He talks to his fellow convicts about how better to pull a job.

To Don, crime is exciting; it gives him the thrills and excitement he seeks in life. He feels good about the career he has chosen. When asked whether it bothered him that he might get killed as he is robbing someone, he said, "If it happens, it happens. That is the chance I take."

CASE #12

Verdene
Age 36
4 years in Utah State prison

Verdene has been in seven years since he started a career of crime. He wants to make the fast and easy buck and feels crime is the way to do it. It does not seem to bother him that he is in prison. He simply says, "He is willing to accept the consequences of his crime."

When asked about the future, he said he plans on being out about seven years before being put back in prison. He readily admits that he will go back to crime when he does get out. When he first gets out, he is very careful about the jobs he pulls, but as time passes, he gets careless and is caught.

Verdene picks the state that gives the least amount of prison time for burglary plus has a good prison. These are the states where he pursues his "trade."

CASE #13

LaVon
Age 27
6 years in Utah State prison
Burglary

LaVon states that most men coming into prison have never learned how to accept responsibility nor work an eight hour day and feel tired at night. He has been in prison for six years and says he has never been physically tired from an honest, productive days work.

LaVon would like to see worthwhile employment in the prison for all the men. To sit, lay around, play cards and walk around for most of the day, should not be the routine for men in prison who need to learn responsibility. It should be a must than an individual learn to work in prison.

Related Materials B

PRISONER ATTITUDES

Positive Attitudes	Negative Attitudes
1. The prison has helped me get a high school education.	1. Prisoner life does not allow me to make my own decisions.
2. The prison has helped me learn a trade.	2. I dislike the authority of the guards. They are always telling me what to do.

3. The prison staff has helped me understand my personal problem.
4. Prison life provides everything for me. I don't have to do anything myself. I like this security.
5. The prison has provided a family to visit and help me.
6. Some convicts try and help other convicts to become better.

3. The guards do not respect me, I hate them.
4. How can I learn to live in society when I am locked up?
5. The guards are only interested in paychecks.
6. The prison discriminates against minority groups.
7. There is nothing to do in prison but play cards and talk with fellow prisoners.
8. Guards favor some prisoners over others.
9. Prison life teaches nothing but how to become a better law breaker.

Related Materials C

EXPLANATIONS FOR PRISONER ATTITUDES

Each explanation does not apply equally to all prisoners.

1. The prisoner who was against authority on the outside tended to be against the authority of counselors and guards in prison.
2. Many prisoners claim to be happy with the way they are. They see no need to get in various prison programs to try and change themselves.
3. Some prisoners are affected by the attitudes of those who become their friends. If their friends are for self-improvement, they tend to go along. If their friends do not approve of self-improvement, chances are they will not get involved with the programs that can help them.
4. Some prisoners are suspicious of people. They have never learned to trust others. They, therefore, cannot trust those that could possibly help them the most, i.e., counselors, psychologists and vocational teachers.
5. "Everybody commits crimes (guards and counselors included), but I'm the only one who gets caught." A prisoner with this attitude sometimes becomes bitter toward the prison personnel who are trying to help him.
6. Many prisoners have never had an opportunity to learn a trade. Vocational educated programs in prison can give the prisoner the know how to earn a living. The prisoner who is sufficiently motivated in this direction tends to be grateful for the opportunity. But at the same time can be bitter about other things in prison life.
7. Prison routine allows for little individual thinking and decision making. A prisoner must get permission to do most anything. Some prisoners fight against this and are constantly in trouble.
8. Prison is considered by some as a college of higher learning in crime. Some prisoners become eager to get back into society to practice their new found knowledge.
9. Some people learn to like the security of prison life. Everything is done and decided for them. They do not have to make any decisions or do things

on their own. Some have committed crimes in order to get back into prison and this type of security.

10. Mary realize they have committed crimes and cannot live in society because of the way they are. Yet they feel prisons do very little to help them learn to adjust to society. They feel bitter because enough things are not to help them.

11. As in any organization, a prison has many different levels of command. When a higher level of command countermands the decisions of the lower level, a prisoner can easily become bitter. (Example: the prisoners' counselors says he can get the prisoner a work release but a person higher up says no.)

12. When a prisoner sees a guard treat a fellow prisoner badly, it is easy for him to learn to hate all guards.

13. Some prisoners have received a high school diploma in prison. They become active in various groups and clubs. These are things they have never done or have the opportunity to do on the outside. As a result, they develop more self pride and confidence and are desirous to do almost anything to help themselves.

14. Some prisoners feel that they have not committed a crime serious enough to justify the fact that they are locked up.

15. Some prisoners do not feel there is enough to do in prison to keep them busy. They want a job that will allow them the opportunity to earn and save money for when they get out.

16. Some prisoners feel so frustrated with being away from society that they will do anything to get back into even a part of society; i.e. get into a fight to get to leave prison and go to the hospital.

17. A prisoner who trusts the guards and counselors in turn feels trusted by them. He feels he is a person worth something and acts accordingly.

Unit V

E N R I C H M E N T

UTAH STATE PRISON

Statistical Report

June 1, 1972

THE "TYPICAL" PRISONER

Height	5 feet 9 1/2 inches
Weight	158 1/2 pounds
Age	31 years 3 months
I.Q.	103
Grade in School C mpleted	10 1/4 grade
No. of Times Arrested	12

PRISON POPULATION

Total 597 100%

Age Attained During 1972

Age	No.	%	Age	No.	%
18	2	-	40	11	2
19	7	1	41	8	1
20	24	4	42	10	2
21	18	3	43	4	1
22	33	6	44	5	1
23	32	5	45	6	1
24	34	6	46	3	1
25	32	5	47	4	1
26	31	5	48	7	1
27	38	6	49	7	1
28	25	4	50	2	-
29	26	4	51	6	1
30	36	6	52	3	1
31	26	4	53	4	1
32	36	6	54	8	1
33	22	4	55	2	-
34	14	2	57	1	-
35	17	3	58	2	-
36	16	3	59	3	1
37	8	1	65	1	-
38	11	2	82	1	-
39	11	2			

RACE

	No.	%
Caucasian	446	75
Mexican	77	13
Negro	52	9
Indian	16	3
Other	6	1

OFFENSES

(For men serving time on more than one offense, the most common crime is listed.)

	No.	%
Aiding and Abetting a Prisoner to escape	1	-
Arson	1	-
Assault W/Intent to Commit Murder	4	1
Assault W/Intent to Commit Rape	9	2
Assault of a Child Under 14	3	1
Assault with a Deadly Weapon	16	3
Assault W/Intent to do Bodily Harm	1	-
Automobile Homicide	1	-
Burglary Second Degree	63	27
Burglary Third Degree	4	1
Carnal Knowledge	8	1
Damaging a Public Phone	1	-
Embezzlement	3	1
Forgery, Fictitious Checks	58	10
Fraudulent Use of Credit Card	4	1
Failure to Provide	1	-
Grand Larceny	79	13
Habitual Criminal	2	-
Insufficient Funds Check	14	2
Illegal Use of Explosives	2	-
Indecent Assault	1	-
Incest	1	-
Kidnapping Second Degree	1	-
Manslaughter	11	2
Murder First Degree	27	5
Murder Second Degree	24	4
Misusing Public Monies	1	-

	No.	%
Narcotics	27	5
Obtaining Money by False Pretenses	1	-
Possession of Stolen Auto	2	1
Rape	19	3
Robbery	93	16
Receiving Stolen Property	12	2
Sodomy	2	-

PRISON SENTENCES SERVED
(Including the Present)

	No.	%
One	294	49
Two	152	25
Three	73	12
More than Three	78	13

JUVENILE RECORD

No.	%
364	61

AGE OF FIRST ARREST

Age	No.	%	Age	No.	%
5	1	-	19	27	5
6	2	-	20	22	4
7	6	1	21	21	4
8	11	2	22	22	4
9	7	1	23	12	2
10	24	4	24	11	2
11	21	4	25	8	1
12	37	6	26	12	2
13	43	7	27	7	1
14	54	9	28	4	1
15	78	13	29	2	-
16	50	8	30-39	14	2
17	49	8	40-49	8	1
18	43	7	52	1	-

DRUG USE RECORD

No.	%
217	36

ALCOHOL USE RECORD

469	79

Unit V

P E N A L S Y S T E M

PRISON REFORM

(Section C)

OBJECTIVE: The student will formulate a plan for prison reform.

SUMMARY OF TEACHING PROCEDURES

(Section C)

Prison reform is designed to change a felon's negative attitudes toward himself and society.

METHOD A: Class Discussion on Felon's Attitude

Pass out Related Materials A, page 208 and have students read it.

Lead a discussion in which the students should try to explain why prisoners may have the attitudes they do.

You may find it necessary to discuss attitudes and how they affect behavior.

MATERIALS NEEDED:

1. List of felon's attitudes, Related Materials A, page 208.

METHOD B: Group Discussion on how Traditional Prisons Affect Attitudes

Break the class into groups of five or six.

Pass out Related Materials page 208 and have the students read it.

1. Story in prison, Related Materials B, page 208.

Have students discuss how this situation may affect a felon's attitudes.

Return to class discussion with each group reporting their findings. Have a further discussion to come to a common answer.

METHOD C: Group or Individual Work

Assign the students to come up with a reform plan that could change a felon's attitude as discussed above.

METHOD D: Class Discussion on Reform

Read the class stories from Related Materials C, page 209.

Lead a discussion or assign the students to explain how these reforms are designed to change attitudes.

1. Stories on methods of prison reform, Related Materials C, page 209.

Note to Teacher: All four steps are meant to be used to achieve the objective.

EXPLANATION OF PROCEDURE

Prison reform is designed to change a felon's negative attitude toward himself and society.

METHOD A: Attitudes are one of the basic ingredients of behavior. One acts upon what one believes. If someone believes that someone or something is "against" him, that person could tend toward crime or antisocial behavior. Prisons are full of people who have negative attitudes toward society. A person's attitudes are influenced by the attitudes of those with whom he associates. Therefore, sending a man to prison often just strengthens his negative attitudes toward himself and society and helps promote more antisocial behavior on the part of the prison.

Method A is meant to explain to students the basic issue of prison reform--changing of attitudes. To be able to accomplish this, students may need further information (as given above) on what attitudes are, how they are formed through experience, and that they influence behavior. Related Materials A, page 208 and the class discussion should accomplish the above stated goal for Method A. Related Materials B, page 208 from the section on prison attitudes explains why prisons believe the way they do.

METHOD B: This procedure is meant to show the students the effect that our traditional prisons often had on felons. It would be brought out that not all prisoners, develop worse attitudes because of the prison experience. All

prisoners have negative attitudes and many prisons would associate with prisoners possessing positive attitudes, or have goals or attitudes that supercede negative influence in prison.

METHOD C: This procedure is meant to be a form of evaluation so the teacher can see if the students understand the problem associated with reform. The exercise should also provide for a degree of creativity. In coming up with a prison reform plan, the students will be exposed to the ideas and solutions that will be presented in Related Materials C, page 209. It should be pointed out that no reform program can be really successful without public support and cooperation.

METHOD D: The stories have been selected as examples of various reform techniques. The goal of the method is to have the students see the relationship that reform has to prisoner attitudes. (See Related Materials C, page 209.)

Related Materials A

The attitudes represented here are not held by all prisoners. The list is meant to only be representative.

1. Prison life does not allow me to make decisions.
2. In prison, people are always telling you what to do.
3. The guards do not respect me.
4. When you get out of prison, people do not trust you.
5. How can I learn to live in society when I am locked up?
6. Crime is the easiest way to make a living.
7. The guards are only interested in paychecks.
8. Everybody commits crimes but I just got caught.
9. When you get out of prison, you cannot get a good job.
10. I am in prison because I am black.
11. The only person you can trust is yourself.
12. Forget the outside, because the outside has forgotten you.

Related Materials B

A DESCRIPTION OF FOLSOM PRISON LIFE

My day begins at 7, when all inmates are required to get out of bed and stand before their cell doors to be counted. I never stay in bed until 7. I usually get up by 5:30 to make my bed and do calisthenics.

Each cell has a small sink with a cold water tap, a bed, a locker, a shelf or two along the wall, and a commode. Each morning a trustee brings hot water which he pours through the cell door into a tub.

At 7:30 is breakfast. From the mess hall I go straight to my job at the bakery and work there until noon. I'm free from 12:00 to 3:20 when the evening mandatory lockup begins. The third count of the day is at 6:30 p.m. without fail.

During my free time I have my choice of going to my cell, watching T.V., going to the library, walking around the yard, lifting weights, or playing games like chess, marbles, horseshoes, handball, etc.

After the 6:30 count we are let out of our cells one tier at a time, for showers, to get clean clothes, get a haircut and finally back to the cell. On the average I spend 17 hours a day in my cell.

Note to Teacher: This description would not be valid in all prisons today. The purpose of the exercise is not to explain prison life, but to give an indication of how prison life might affect attitudes.

The story is not meant to be representative of the Utah State Prison, but of prisons in general throughout the United States.

Related Materials C

The following reforms are meant to help the student see how steps are being taken to change attitudes of prisoners.

1. In South Carolina, a prisoner came up with the slogan: "Prison should be a highway, not a dead end." The slogan has been put on stationery; vehicles, matchbooks, and pencils.

   Note: A reform meant to change public attitudes concerning ex-cons and prisons.

2. In Connecticut prisoners set up a motion picture studio and produced and directed a documentary film on prison life.

   Note: This reform is meant to change public attitude as well as create positive attitudes on the part of prisoners.

3. In Minnesota a residence program has been started called PORT (Probation Offenders Rehabilitation Training). As a prisoner enters the program, he must live under strict rules which let him hold a job in the community but must be at the residence at all other times. As the prisoner shows his responsibility to himself and others, he receives more privileges. A number of college students live at the residence and provide the only supervision at night.

   Note: The above program is meant to show prisoners how to live in society and place them in a positive environment.

4. In California, judges often sentence offenders to probation instead of jail.

   Note: Probation is meant to give prisoners reason to reform instead of continuing as they are.

5. In Virginia the prisoners are taught auto mechanics. Late model automobiles in need of repair are brought from nearby government agencies to be worked on.

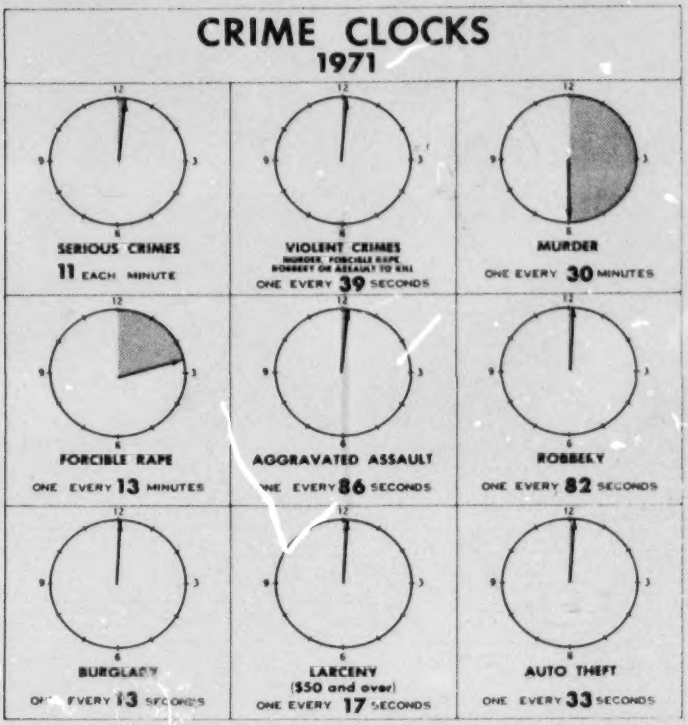
Note: This is meant to give prisoners a useful trade using late-model equipment.

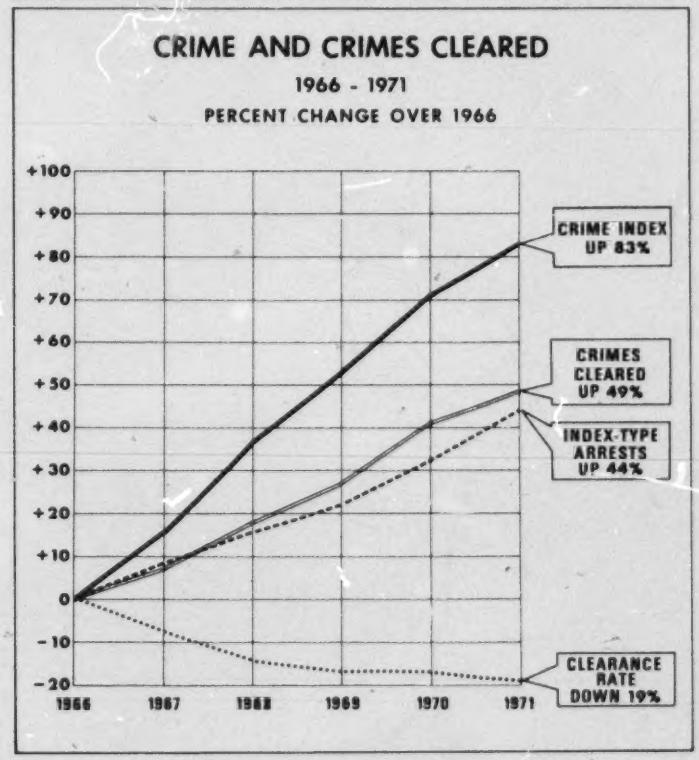
6. In New Mexico prisoners are often paroled to college campuses.

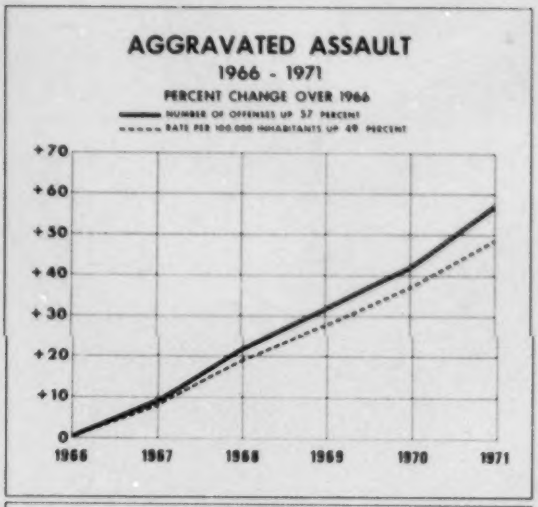
   Note: Emphasis is placed on change and improvement not punishment.

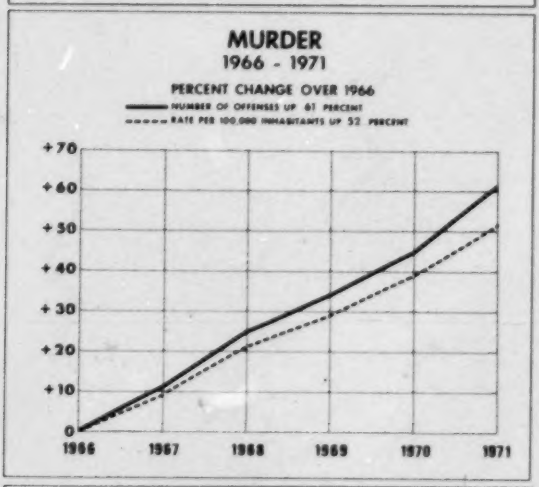
7. In North Carolina prisoners are put on work release programs as they near the end of their sentences.

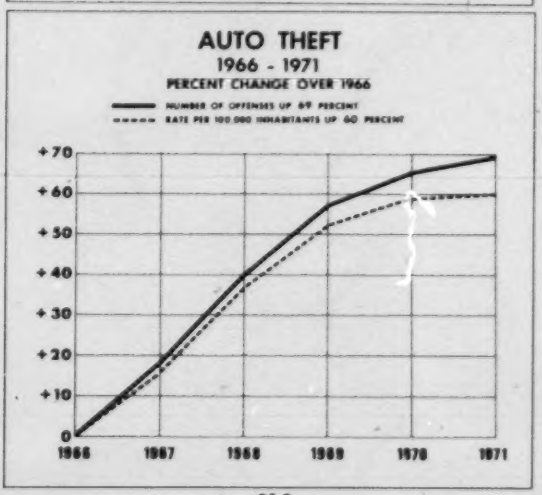
   Note: To show the prisoner he can fit into society and be accepted as a responsible person.

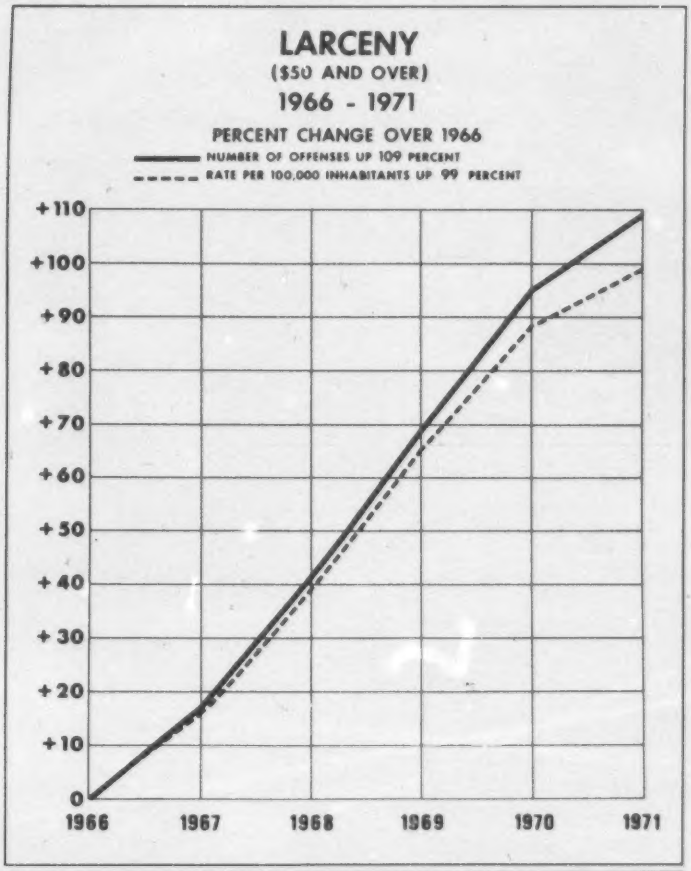

CRIME CLOCKS
1971
SERIOUS CRIMES
11 EACH MINUTE
VIOLENT CRIMES
MURDER, FORCIBLE RAPE, ROBBERY OR ASSAULT TO KILL
ONE EVERY 39 SECONDS
MURDER
ONE EVERY 30 MINUTES
FORCIBLE RAPE
ONE EVERY 13 MINUTES
AGGRAVATED ASSAULT
ONE EVERY 86 SECONDS
ROBBERY
ONE EVERY 82 SECONDS
BURGLARY
ONE EVERY 13 SECONDS
LARCENY
($50 and over)
ONE EVERY 17 SECONDS
AUTO THEFT
ONE EVERY 33 SECONDS

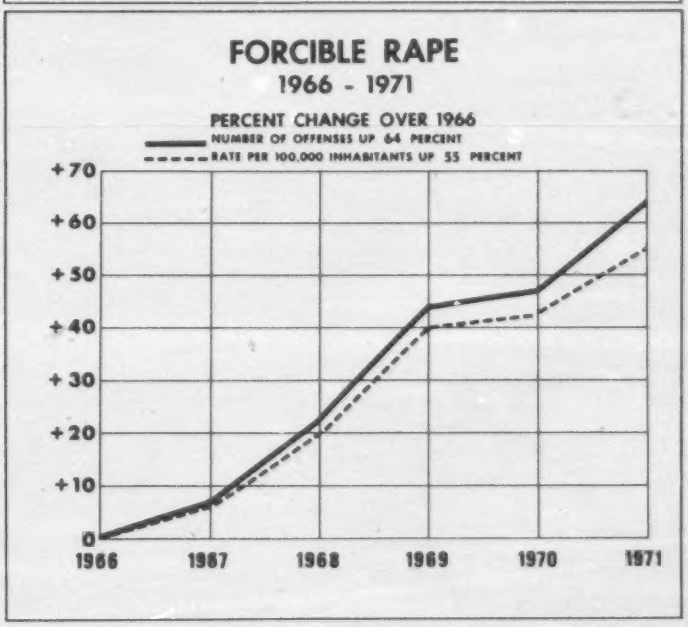

CRIME AND CRIMES CLEARED
1966 - 1971
PERCENT CHANGE OVER 1966
+100
+90
+80
+70
+60
+50
+40
+30
+20
+10
0
-10
-20
1966
1967
1968
1969
1970
1971
CRIME INDEX UP 83%
CRIMES CLEARED UP 49%
INDEX-TYPE ARRESTS UP 44%
CLEARANCE RATE DOWN 19%

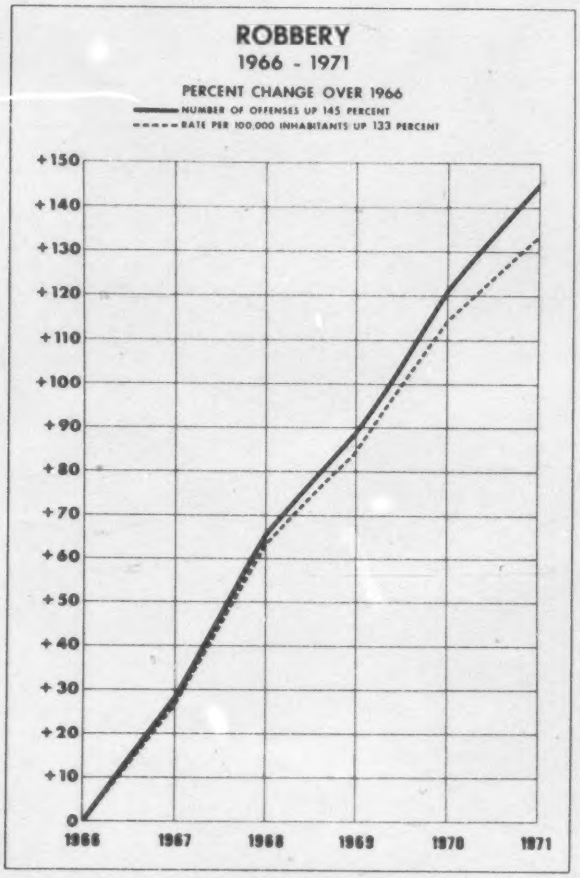

AGGRAVATED ASSAULT
1966 - 1971
PERCENT CHANGE OVER 1966
NUMBER OF OFFENSES UP 57 PERCENT
RATE PER 100,000 INHABITANTS UP 49 PERCENT
+70
+60
+50
+40
+30
+20
+10
0
1966
1967
1968
1969
1970
1971

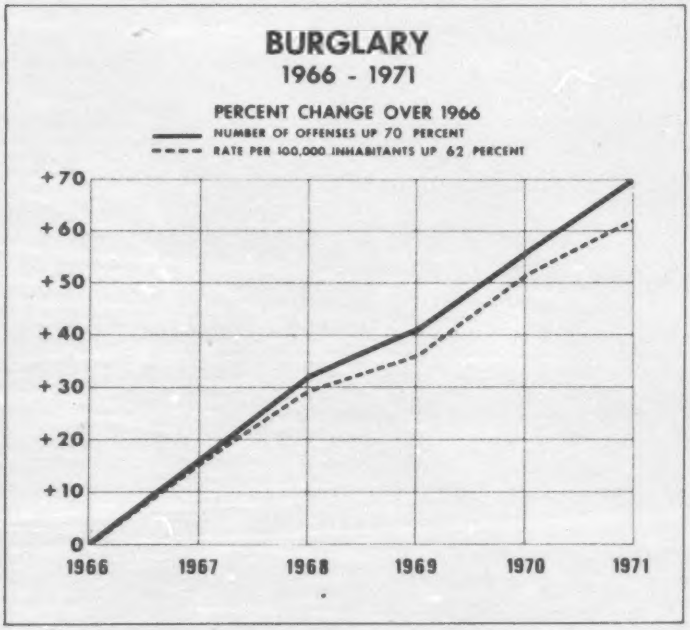

MURDER
1966 - 1971
PERCENT CHANGE OVER 1966
NUMBER OF OFFENSES UP 61 PERCENT
RATE PER 100,000 INHABITANTS UP 52 PERCENT
+70
+60
+50
+40
+30
+20
+10
0
1966
1967
1968
1969
1970
1971


AUTO THEFT
1966 - 1971
PERCENT CHANGE OVER 1966
NUMBER OF OFFENSES UP 69 PERCENT
RATE PER 100,000 INHABITANTS UP 60 PERCENT
+70
+60
+50
+40
+30
+20
+10
0
1966
1967
1968
1969
1970
1971


LARCENY
($50 AND OVER)
1966 - 1971
PERCENT CHANGE OVER 1966
NUMBER OF OFFENSES UP 109 PERCENT
RATE PER 100,000 INHABITANTS UP 99 PERCENT
+110
+100
+90
+80
+70
+60
+50
+40
+30
+20
+10
0
1966
1967
1968
1969
1970
1971


FORCIBLE RAPE
1966 - 1971
PERCENT CHANGE OVER 1966
NUMBER OF OFFENSES UP 64 PERCENT
RATE PER 100,000 INHABITANTS UP 55 PERCENT
+70
+60
+50
+40
+30
+20
+10
0
1966
1967
1968
1969
1970
1971


ROBBERY
1966 - 1971
PERCENT CHANGE OVER 1966
NUMBER OF OFFENSES UP 145 PERCENT
RATE PER 100,000 INHABITANTS UP 133 PERCENT
+150
+140
+130
+120
+110
+100
+90
+80
+70
+60
+50
+40
+30
+20
+10
0
1966
1967
1968
1969
1970
1971


BURGLARY
1966 - 1971
PERCENT CHANGE OVER 1966
NUMBER OF OFFENSES UP 70 PERCENT
RATE PER 100,000 INHABITANTS UP 62 PERCENT
+70
+60
+50
+40
+30
+20
+10
0
1966
1967
1968
1969
1970
1971